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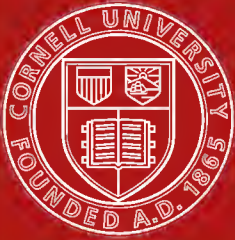


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THE PROBLEM OF THE PENTATEUCH

A NEW SOLUTION

BY

ARCHAEOLOGICAL METHODS

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TO
ALL MY COLLEAGUES, THE TRUTH SEEKERS
THESE INVESTIGATIONS ARE DEDICATED
AND
SUBMITTED

CONTENTS

| | |
|---------------|------|
| PREFACE | xiii |
|---------------|------|

| | |
|--------------------|----|
| INTRODUCTION | xv |
|--------------------|----|

- (1) The importance of considering first things first in the Pentateuchal Problem
- (2) The first thing in the Pentateuchal Problem; the Literary Form of the Pentateuch
- (3) The Method of the Solution of the Pentateuchal Problem *a posteriori*
- (4) The Method of this book: at the outset no theory, only facts, a solution by facts; archaeological rather than critical; in the natural order of the Investigations, in the attitude of *de novo* investigation

CHAPTER I

FIRST INVESTIGATION 1

A SURVEY OF THE LEGAL TERMS IN THE LAW-BOOKS OF THE PENTATEUCH

Introductory thought; investigation of Materials first, in keeping with the method of the book

I. General Terms

- (1) Law; *torah*, *dhath*
- (2) Words; *debarim*, *dabhar*, *'imrah*
- (3) Covenant; *Barith*, with brief presentation of the intent of the covenant
- (4) Testimony; *'edhah*, *'edhuth*

II. Technical Terms

- (1) Judgments; *mishpatim*
- (2) Statutes; *khugqim*, *khugqoth*
- (3) Commandments; *mitsoth*
- (4) Classification of all the groups of laws with associated narrative in the order of the text
- (5) Examination of peculiarities
- (6) Possible exceptions
- (7) List of groups of Laws without title
- (8) Complete classified catalogue of lists of laws with or without title in consecutive order

CHAPTER II

SECOND INVESTIGATION

93

EXAMINATION OF THE DIFFERENT LITERARY FORMS FOR
DIFFERENT USES OF THE VARIOUS KINDS OF
LAWS IN THE PENTATEUCH

- I. Mnemonic
 - (1) Discussion
 - (2) Examples
- II. Descriptive
 - (1) Discussion
 - (2) Examples
- III. Hortatory
 - (1) Discussion
 - (2) Examples

CHAPTER III

THIRD INVESTIGATION

120

INFLUENCE OF THE TECHNICAL TERMS AND LITERARY FORMS
OF THE PENTATEUCH UPON THE STYLE AND DICTION

- I. The difference between Form and Style in literature
- II. The influence of Form in literature upon the Style
- III. The effect of the KINDS and USES of literature,
through the Forms which these suggest, upon the
Style and Vocabulary
 - (1) Subject
 - (2) Purpose
- IV. Summary of Results

CHAPTER IV

FOURTH INVESTIGATION

130

A COMPARISON OF THE DIVISIONS OF THE PENTATEUCH EFFECTED
ACCORDING TO KINDS AND USES OF LAWS WITH THE DIVISIONS
ACCORDING TO THE DOCUMENTARY THEORY

- I. The necessity of considering Deuteronomy apart from
the other books of the law in this comparison
- II. The Divisions of the Pentateuch according to KINDS
and USES of Laws.

III. Divisions of the Pentateuch according to the Documentary Theory

IV. Results of the Comparison of these two sets of Divisions

- (1) The Divisions found to be almost exactly identical
- (2) The Facts of the Pentateuch furnish satisfactory Solution of its Problem of Style and Diction

CHAPTER V

FIFTH INVESTIGATION

145

THE HARMONIOUSNESS OF STYLE AND DICTION IN THE DIVISIONS
OF THE PENTATEUCH ACCORDING TO KINDS AND USES
OF LAWS

I. This the essential Test of this Solution of the Pentateuchal Problem

II. The Harmoniousness here substantially the same as in the Divisions according to the Documentary Theory

III. The importance of the whole question of Style and Diction in Literary Criticism

- (1) The Elements of Style and Diction
 - (a) Words (b) Phrases (c) Arrangement and use of words (d) Rhetorical methods
- (2) Sources of Style and Diction
 - (a) Authorship (b) Subject (c) Occasion and purpose (d) Medium of composition
- (3) The Laws of Interpretation of Style and Diction
 - (a) Consistency (b) Variation (c) Equilibrium
- (4) The Value of the Results of Interpretation of Style and Diction

IV. Actual Marks of Style and Diction and Degree of Harmoniousness in the divisions of the Pentateuch according to the KINDS and USES of Laws

- (1) "Genuine marks of Style" from the *Oxford Hexateuch*
- (2) Additional characteristics of the Divisions of the books of the Pentateuch from the *Oxford Hexateuch*

- (3) Additional marks of Style from the various Divisions of the books of the Pentateuch according to KINDS and USES of laws
- (4) Additional Characteristics of the Divisions of the Pentateuch
 - (a) Genuine Characteristics of "A" in "statute" portions
 - (b) Characteristics of "statute" portions arising from Subject or Purpose and representing "A"
 - (c) Characteristics of "statute" portions arising from the special purpose calling for Descriptive language, representing "A"
 - (d) Characteristics of style in "judgment" portions of the Pentateuch, arising out of the Subject and Purpose and not representing "A"

CHAPTER VI

SIXTH INVESTIGATION

191

COMPLETE EXAMINATION OF THE USE OF THE TECHNICAL LAW-WORDS IN ALL THE OTHER BOOKS OF THE OLD TESTAMENT

- I. The complete lists
- II. The Significance for the present Discussion of the use of the Law-words throughout these other books of the Old Testament

CHAPTER VII

SEVENTH INVESTIGATION

216

ARCHAEOLOGICAL EVIDENCE CONCERNING PENTATEUCHAL TIMES

- I. Light from Archaeology on peculiar words, phrases, and narratives in the Pentateuch
- II. Light from Archaeology on Pentateuchal Literature
- III. Light from Archaeology on the History of Israel involved in the Pentateuchal Problems
- IV. Light from Archaeology on the Tabernacle and its Furniture and the vestments of the Priests
- V. Light from Archaeology on questions of Eschatology in the Pentateuch

CONTENTS

xi

VI. Light from Archaeology on the Mosaic System of Sacrifices

CHAPTER VIII

EIGHTH INVESTIGATION

239

DETAILED CONSIDERATION OF THE HISTORICAL DIFFICULTIES AND DISCREPANCIES OF THE PENTATEUCH IN THE LIGHT OF THE FACTS OF THE KINDS AND USES OF LAWS

- I. General Consideration of the Conditions and Methods of Authorship in Pentateuchal Times in Relation to Apparent Discrepancies
- II. Consideration in Detail of the Difficulties and Discrepancies Themselves
 - (1) Consideration of those Difficulties and Discrepancies which are created by the Documentary Theory
 - (2) Consideration of the Difficulties and Discrepancies inherent in the Pentateuchal Problem itself

CHAPTER IX

NINTH INVESTIGATION

260

CONCERNING THE MANNER AND TIME OF THE COMPOSITION OF THE PENTATEUCH

Introductory thought: The Difference between Theory as an implement of Research and Theory as the Result of Research.

- I. The Documentary Theory concerning the Composition of the Pentateuch
 - (1) Concerning the Time
 - (2) Concerning the Manner
- II. The Facts of the Pentateuch itself concerning its own composition
 - (1) Concerning the Manner
 - (a) Moses first a Speaking Prophet
 - (b) Moses also afterwards a Writing Prophet
 - (c) The Law-books of the Pentateuch Journalistic in form
 - (d) Fragmentariness of Laws and Mixture of Laws with Narrative and the many Repetitions in accord with the Conditions and Method of Compositions
 - (2) Concerning the time

CHAPTER X

TENTH INVESTIGATION

271

EXAMINATION INTO THE VALIDITY OF OBJECTIONS URGED AGAINST
THIS SOLUTION OF THE PENTATEUCHAL PROBLEM

I. Not incumbent upon a Solution of the General Problem of the Pentateuch that it solve, also, all detailed individual problems in the Pentateuch

II. Consideration of objections that have a right to be heard

- (1) That this Solution of the Pentateuchal Problem rests entirely upon the legal portions of the Law-books
- (2) That the assignment of the large element of narrative in the Law-books impairs the Reliability of the Divisions
- (3) That the Division according to KINDS and USES of Laws does not account for the discriminating use of the Divine Names
- (4) That the book of Genesis is entirely omitted from the principal investigation upon which this Solution of the Pentateuchal problem rests
- (5) That these facts developed in the investigations are but collateral Facts of the Documentary Theory; i. e. JE from Legal writers and P from an Ecclesiastical writer.

Conclusion 284

Index 285

PREFACE

The one important, and most pleasant, duty of the Author in the Preface to this book is a special acknowledgment for assistance to which is due much more than a library reference in the text.

The chief materials of these investigations are materials of law. Proper discrimination among them demands legal lore and acumen of a technical character. The legal phases of the investigations have been submitted to the scrutiny of that distinguished member of the Philadelphia bar and well known man of letters, Samuel Scoville, Jr., Esquire. It has been a pleasure to receive and follow his advice in legal phraseology and in difficult cases of discrimination between "judgments" and "statutes." It is now a pleasure to acknowledge my great indebtedness to him and to commit the result of our labors to those to whom this book is dedicated, the Truth Seekers.

M. G. KYLE.

*Xenia Theological Seminary,
University City, St. Louis, Mo., 1920.*

INTRODUCTION

The Problem of the Pentateuch has many aspects, each of which is much discussed and oftentimes without due recognition of its relative importance. Even when the essential relative importance of the various elements of this question is taken into the account, the order in which these elements should be discussed is often overlooked. Zealous disputants sometimes press for the consideration of that particular phase of the subject in which they are most interested oblivious of the fact, or at least ignoring it, that some other phase of the subject, far less important essentially, should be considered first. The portico of a house could hardly be said to be its most important feature, yet it is most fitting to enter into the house by that approach. Some people are most deeply interested in the authorship of the Pentateuch and the time of its composition, and so, at every mention of the Problem of the Pentateuch, thrust these questions into the foreground and insist that the whole discussion shall turn upon them. These questions may be of the first importance, but, whether they are or not, the approach to the Problem of the Pentateuch lies another way.

The Problem of the Pentateuch is not primarily concerning its author nor the time of its composition, but concerning its literary form, especially its most puzzling peculiarities; the fragmentariness of the Law-Codes, the mingling together of different kinds of laws

and their distribution through a running narrative, the marked difference of style and vocabulary in different parts, and the many repetitions, all of which are questions of rhetoric, together with the historical and other difficulties which always appear upon any careful study of the books of the Law. These things constitute real literary problems which must always be a source of vexation and uncertainty until they are solved. The solution of these questions will make the questions of authorship and time of composition much easier, while the exact determining of the author and the time of composition would yet leave these prior, and really greater, difficulties as perplexing as ever.

So the first interrogative of the Problem of the Pentateuch is not Who? nor When? but Why? The clamorous questions that will not down are Why the fragmentariness of the Law-Codes? Why their mingling together and their distribution throughout a running narrative, no matter when, nor by whom, so arranged? Why such differences of style and vocabulary in the different parts of the Pentateuch? Why the repetitions and the historical difficulties and other discrepancies? These are questions that have raised the whole Pentateuchal controversy, have caused to come forward a multitude of proposed explanations, and have resulted at last in the willing or unwilling persuasion by many that the Documentary Theory, or at least a documentary theory, is the only solution of the Pentateuchal Problem.

The solution of problems in literature, like the solution of problems in nature, but unlike the solution of problems in mathematics, is usually not *a priori* in method, but nearly always *a posteriori*. Theories do help materially in the solution of mathematical prob-

lems, where every possible solution is correct, and human volition plays no part, but they seldom avail so much in the solution of problems in literature or of problems in nature, where we are not in the realm of the merely possible, but in the realm of the actual, the realm of experience.

The history of literary theories is very long, and almost wholly graveyard history, gathered from the tombstones of dead and buried speculations: such is the outcome of the *a priori* method in the solution of literary problems. On the other hand the history of natural discoveries and of real literary discoveries is a comparatively short history, when set over against the history of speculation: fancy knows no bounds; the realities of this world are distinctly limited.

It is related that a great physicist once asked a physician why a certain disease could not be cured. "Because," said the physician, "there is no chemical that will dissolve the crystals which cause that disease." The physicist replied that there surely must be something that would dissolve those crystals. The conversation was dropped there, but the next morning at the breakfast table the man of science said, "I have found two chemicals each of which will dissolve those crystals." "You are a genius," said the physician. "Not at all," replied the great experimenter. "I simply put those crystals into every chemical in the laboratory and this morning they are dissolved in two test tubes." In literature, as in nature, here is the true method of discovery, *the search for all the facts*. And real discoveries in literature, like those in the laboratory or the machine-shop, come only occasionally at the behest of suggestions or hints, or speculations, but usually as wholly unanticipated surprises.

The solution of the Problem of the Pentateuch, a literary problem, presented in the succeeding pages is no exception to this *a posteriori* law and method in literary problems. There was a vague suggestion, a suspicion, no more, that varieties of laws had something to do with the solution of this problem. With this in mind, the investigation of the materials of the Pentateuch was begun. Everything in the Books of the Law was put into the test tube; the solution of the problem appeared in the morning.

So, I have, at the outset, no theory to present, but only facts that I have discovered. During the years 1914 and 1915, while collecting and arranging materials from the Biblical text itself on the subject of "Pentateuchal law" for my classes in the Department of Biblical Theology and Biblical Archaeology in Xenia Theological Seminary, some exceedingly interesting facts came under my notice. These facts were new to me; I did not at that time dare to suppose that they were new to all the world of Old Testament critics also. Though they were not generally noted by critics, I supposed that certainly some one must have seen and taken account of them. It was not until the Easter time of 1917 that I read before the meeting of the American Oriental Society in Boston a brief account of these facts that I had noticed and in July of the same year published the same account in the *Journal of the American Society of Biblical Literature and Exegesis*. I also published in the *Bibliotheca Sacra* of January-April, 1918, a longer statement of the investigations with a larger presentation of the evidence and some discussion of difficulties and objections. A little later also a popular statement of the main facts was made to the larger general reading public through

the columns of that popular religious weekly, the Sunday School Times.

Such interest was manifested in all these brief compendiums of the facts discovered and the evidence supporting them that I now give all the voluminous evidence and the necessary discussion of the bearing of the discovered facts upon the Problem of the Pentateuch, together with some consideration of difficulties and objections, in this volume for the final judgment of Biblical scholars.

It cannot escape notice that throughout the discussions of this book, and most markedly in the early investigations which develop the fundamental materials upon which all the discussions rest, there is the most absolute and unquestioning acceptance of the statements of the books of the Pentateuch at their face value. This will doubtless be attributed by many to the "prejudices of a traditionalist," arising out of a pre-supposition of the truthfulness of the statements of Scripture at their face value. I have no hesitation in saying that I do much prefer, not as a mere pre-supposition, but for what appear to me good reasons, to accept the statements of Scripture at their face value as the original author *intended them to be received*, rather than to receive them in some rearrangement according to some modern critic's theory of *what they ought to teach*. But this is not the primary reason that I have chosen to accept for this investigation the statements of Scripture at their face value. It is because that it is a logical necessity so to do. It is impossible to make a new and original investigation of any book, unless the author's presentation of his material be accepted, at least tentatively, as a starting-point. To do otherwise would not be to make an examination *de*

novo, but to begin by assuming as correct, in whole or in part, the results of some other investigation already made. This book proposes a new solution of the Pentateuchal Problem and so must begin at the beginning by examining the materials of the Pentateuch in the form in which they come to us.

Being primarily an archaeologist, my method of research in this field of criticism was archaeological rather than critical. The archaeologist approaches a mound of materials to dissect it in an orderly fashion, sorting and classifying the materials as they appear, taking final account of his discoveries only when the mound is exhausted. This was exactly the method in this study and arrangement of the materials of the Law. Such a method anticipates nothing. Whatever anticipations either the workers or the work itself as it progresses may raise are laid aside and the method pursued relentlessly to the end. Certainly in this case the results now to be presented were not anticipated: the final result, and especially the comparison of the results obtained with the results of the Documentary Theory, was as surprising to me as it will be to others. Some of the simplest facts, also, brought out by the investigations have been most surprising. I have hardly yet persuaded myself that they have always heretofore escaped the notice of critics or received only the most casual consideration. And I half anticipate that some one will yet point out that somewhere somebody did call attention to them; indeed, occasional glancing notices of some of them do occur in critical works, as will later appear. But that they have been generally overlooked, and that they have been entirely ignored in the great controversy that has been raging about the Pentateuch is certain. There has long continued

the proverbial blunder of stumbling over diamonds while chasing rainbows.

I wish to share the pleasure of discovery as much as possible with my readers, and so, to that end, will present this work in the form of the original investigations in regular order, with little or no polemic during the presentation of the facts, and anticipating nothing, except so much as the analysis of a subject and its orderly presentation necessarily bears the marks of previous study that has been completed, but allowing each item of interest to appear in its own place and be thus a discovery to the reader. The comparison with the results of the Documentary Theory which appeared to me the greatest surprise of all, will be presented only at the point at which it appeared in the investigations, when it will be exactly in order.

“Open Thou mine eyes, that I may behold the wonders out of Thy law.”—Psalm CXIX:18.

CHAPTER I

FIRST INVESTIGATION

LEGAL TERMS IN THE PENTATEUCH

An archaeological investigation is essentially an investigation of materials; until such investigation is made the archaeologist has nothing else to investigate. Only when he has the materials thoroughly in hand is he ready to investigate the relation of one part to another, to the whole, and to other things, and so reach conclusions. As the archaeological method is used in these investigations, they likewise begin with several inquiries concerning the materials of the Law. Only when these are finished may criticism properly begin with the examination of the relation of the various parts of the materials of the Law to each other and to the whole Law, to the Pentateuchal narrative, and, finally, to the whole Old Testament.

To begin at the very beginning of the examination of the materials of the Law, the first investigation is concerning Legal Terms in the Pentateuch, noted and listed and defined from the text itself, and any peculiar significance of such terms accurately determined from the examination of every instance of their use in the Pentateuch.

I. GENERAL TERMS

Even the most cursory reading of the Pentateuch

leaves more or less deeply impressed upon the mind certain words used to denote the Law or portions of it. Descriptive words these are in the Hebrew, though their descriptive character is often partly or even wholly lost in the translation. It is important that we should examine these descriptive terms used to denote the Law to see whether there may possibly be more of them than are caught and retained by vague general impressions, and whether, also, there may be any legal terms employed which have a much more definite and significant use than is taught in the general impression with which we are accustomed to rest satisfied. It takes the sharp scrutiny of the telescope to reveal clearly all the seven stars in the constellation of the Pleiades. Among the constellation of familiar terms by which Law is denoted in the Pentateuch may it be that some have peculiar significance which only a sharper scrutiny will reveal? We will see what we shall see.

1. Law. The most familiar of the general legal terms in the Pentateuch is the word *torah*, from the Hebrew *yara*, "to cast." The use of this word to denote the Law comes probably from the secondary sense "to throw out the hand," hence, "to give directions," therefore, "a law." This Hebrew word is used in the Pentateuch 55 times, with somewhat varied application.

A. It is sometimes used for a particular kind of Law. It is so used in Ex. XII:49 of the law of the passover; "One law shall be to him that is home-born, and unto the stranger that sojourneth among you." It is used to denote the law against royal polygamy and undue wealth: Deut. XVII:17-18, "Neither shall he (the King) multiply wives to himself that his heart turn not away; neither shall he greatly multiply to himself

silver and gold. It shall be, when he sitteth upon the throne of his kingdom, that he shall write him a copy of this law out of that which is before the priest, the Levites." It is sometimes used of the Statutes of the ceremonial Law, as the law of the burnt-offering or of the meat-offering: Lev. VI:9 and 14 (Heb. VI:2 and 7), "this is the law of the burnt-offering," "and this is the law of the meat-offering," Cf. Lev. VI:18 and 22 (Heb. VI:11 and 15). The same use of the word *torah* for a statute of the Ceremonial Law is seen in the law of defilement by a dead body, Num. XIX:14, Cf. 21: "This is the law when a man dieth in a tent, all that comes into the tent and all that is in the tent shall be unclean seven days."

B. *Torah* is also used of any kind of law or laws: Ex. XVIII:16, "When they have a matter, they come unto me, and I judge between one and another, and I do make them know the statutes of God, and his Laws." The same use of this word occurs in Ex. XVIII:20, "And thou shalt teach them ordinances and laws"; and also in Num. XV:16, "One law and only one shall be for you, and for the stranger that sojourneth with you."

C. Again, *Torah*, law, is used for the whole law or a large portion of it, as in the addresses of Moses in Deut. 1:5; "On this side Jordan, in the land of Moab, began Moses to declare this law"; also, Deut. IV:44, "And this is the law which Moses set before the children of Israel." The remainder of the instances of the use of this word, *Torah*, in the Pentateuch only serve to illustrate these various meanings and need not be noted here (Cf. Heb. Concordance).

Another Hebrew word *dhath*, is translated "law" in the Pentateuch. It occurs only in Deut. XXXII:2, where it stands for the whole decalogue; "And he said,

'The Lord came from Sinai, and rose up from Mount Seir unto thee. He shined forth from Mount Paran, and he came with ten thousand of his saints from his right hand went a fiery law forth'."

Still another Hebrew word, *khoq*, "direction," is translated "law" in Gen. XLVII:26: "Joseph made it a law over the land of Egypt." The word here refers not to the Law, but to the famine regulations promulgated by Joseph. This word is of very frequent use in the Pentateuch, but is usually, and correctly, translated "statute" and would be more correctly so translated in this passage.

2. Words. The Hebrew word *dabar*, plural *debarim*, "words," is another general term used in the Pentateuch to denote laws. It is in the intensive sense of "utterances," "oracles" that it is so used. Of this specific use of the word there are 32 instances in the Pentateuch in reference to the Law or to some portion of it (once the feminine, *debaroth*, occurs: Deut. XXXIII:3). It is applied especially to the Ten Commandments. The passage which determines *debarim* to be used as a name for laws and not in every instance in its ordinary sense as a common noun, i.e., the mere words of speech, is Ex. XXXIV:28, "And he wrote upon the tables the words of the covenant, the Ten Commandments," Heb., "the Ten Words." This unmistakable use of "words" in the sense of "utterances," "oracles," as a name for laws, is repeated in Deut. X:4, and once clearly established in this use is then easily seen, also, in Ex. XXIV:3, "Moses came and told the people all the words of the Lord, and all the judgments." Also in Ex. XXXIV:1 and 27.

A. *Debarim* seems also to be used more generally of many laws, as in Ex. XXIV:4: "And Moses wrote all

the words of the Lord." This passage taken alone appears to use *debarim* as a common noun, but taken in connection with verse 3 it appears to be used as a name for laws and to be extended to include all the laws which God, up to that time, had given them.

B. The singular, *dabar*, of this same Hebrew word, is used a few times to denote any law, as in Deut. IV:2: "Ye shall not add unto the word which I command you, neither shall ye diminish aught from it, that ye may keep the commandments of the Lord your God which I command you"; this taken in connection with the preceding verse. It is used in the same way in Num. XV:31. It is used specifically of the Ten Commandments in Deut. V:5: "I stood between the Lord and you at that time, to show you the word of the Lord: for ye were afraid by reason of the fire, and went not up unto the mount." Also Deut. IV:1-2, and Deut. XXX:14. This instance of the use of the word, *dabar*, is an approach to our use of "word" in the expression "the word of God," but is not sufficient to show that such a conception was fully attained by the people at so early a time.

The Hebrew word *imrah*, "word," is used for the Law in the same sense in one instance, Deut. XXXIII:9: "For they observed thy word, and kept thy covenant."

3. Covenant. The Hebrew word *barith*, from *barah*, "to cut," denoted a symbolical cutting in two parts of the victims used in the making of an agreement, probably to the end of their sacrifice. It came, by a figure of speech, to stand for the agreement itself, and so is translated covenant. In its use in the Pentateuch, it is a summarizing word which occurs 30 times as a general term for the Law or some part of it.

The word "covenant," thus applied to the Law, is the most significant of the descriptive general terms applied to the Law in the Pentateuch. It introduced the idea that the laws of God are of the nature of a covenant between the law-giver and his subjects. Thus it, of all the terms for law, has the deepest ethical and theological meaning. In primitive times the authority of the courts, especially their power to enforce authority, was not very great. For that reason a covenant, an actual agreement entered into by the people, was used to strengthen the compelling power of the laws. The authority of God, in itself considered, needed no such fortifying, but the inclination of the people of Israel at that time near the beginning of national life might well have need of such stimulus to induce them to obey the laws of Jehovah. In any case, the covenant was used to intensify the effect of the Pentateuchal laws among the people (Cf. Wiener, *Bibliotheca Sacra*, July, 1919, p. 454).

The use of the covenant on this occasion and the calling of the Law a "covenant" probably was intended, also, and especially, to give expression to the unique way in which these laws were promulgated and given the authority of God. Most of the laws comprised in the original Covenant at Sinai, laws of property rights and of personal rights, laws concerning murder, rebellion, fraud, and other crimes, had probably been, in some form at least, in use among the people, and were known to Israel in Egypt, in the desert of Sinai, and, indeed, to the people throughout Bible lands. Such laws are found among all peoples, in all ages, the world over; out of the whole body of existing laws these were chosen and given correct expression for use among Israel and then, instead of being left to grow into

favor and authority by long usage, as is usual with laws, they were given that divine sanction at Sinai which promulgated them at once as the laws of God, and the people themselves were called upon to join in a covenant as giving adherence to these laws, and thus the laws themselves became to them a "covenant."

Thus God "gave" these laws as he "gave" the bow in the cloud, and as he gave the Ten Commandments, most of which in some form or other were known among men long before he "gave" the laws, as parents "give" names to their children which names are usually in common use among relatives and neighbors. There is no intimation in either case that the things "given" are new things in the world, but only that they come to the recipient with the sanction and authority of the giver and to the established purpose for which "given." Very important consequences would naturally result from this covenant form of the laws, consequences which will be brought out in later investigations (Cf. Wiener, *Studies in Biblical Law*, Bib. Sac., July 1918).

A. In this comprehensive summarizing sense of the word "covenant," it is applied first to the Ten Commandments; Ex. XXXIV:28, "And he wrote upon the tables all the words of the covenant, the Ten Commandments." Also, Deut. IV:13, "And he declared unto you his covenant, which he commanded you to perform, even the Ten Commandments, and to write them upon two tables of stone." Cf. also, Deut. V:2. In Deut. IX: 9, 11 and 15, the tables of the Law are spoken of as "tables of the covenant." In the expression, "Ark of the Covenant," Num. X:33, and many places, the word "covenant" has reference to the Decalogue which was kept within the Ark, but included, also, all the laws enacted under the covenant up to that time. In the

expression, "blood of the covenant," Ex. XXIV:8, "covenant" is again used in the same sense; the "blood of the covenant" means the blood of the sacrifice with which the covenant was ratified.

B. The word *barith*, "covenant," is also used in the Pentateuch to denote the whole body of laws, not only these given with the covenant, but also those at any time existing under the covenant. In Ex. XXIV:7-8, it is said, "And he took the book of the covenant and read in the audience of the people: and they said, All that the Lord hath said will we do, and be obedient. And Moses took the blood and sprinkled it upon the people, and said, Behold the blood of the covenant, which the Lord hath made with you concerning all these words." In Lev. XXVI:15, it is said, "And if ye shall despise my statutes, or if your soul abhor my judgments, so that ye will not do all my commandments, but that ye break my covenant, etc." Perhaps, also, in Ex. XXXIV:4-10, the word "covenant" was intended to include all the laws made under it at any time.

4 Testimony. The Hebrew word *'edhah*, or *'edhuth*, is from *'udh*, "to turn back," "to repeat," "to say over and over again," hence "to witness," "to bear testimony," and so is correctly translated "testimony." This is another word of deep ethical import, only less so than the word "Covenant" among all the words used in reference to the Law. It was used to convey the idea that God in his laws was a witness, a witness to the people concerning what ought to be done or not done and a witness against those who disobey the law. It represents the law as the voice of God, as when Christ said that it was unnecessary for him to condemn sinners, for there was one already who condemned them, "even Moses." As the word "covenant," among

the names of the Law, suggested the moral obligation of men to God, so the word "testimony" suggested the conviction of sinners. This word occurs in reference to the Law 34 times in the Pentateuch.

A. The word "Testimony," like the word "Covenant," is applied first of all to the Ten Commandments. Ex. XXV:16; "And thou shalt put into the Ark the Testimony which I shall give them." Cf. Ex. XXV:21, XXXII:15, XXXIV:29, XL:20, and especially Ex. XXXI:18, last clause: "two tables of Testimony, tables of stone, written with the finger of God."

As the events on Mount Sinai necessarily occurred before they were recorded and the tables of the Law were renewed before the ark was made, we find in the record an account of the use of this word "Testimony" in the sense of "The Decalogue" in the expression, "The Ark of the Testimony," with an explanation of the meaning of the word testimony; Ex. XXV:21-22; "And in the ark thou shalt put the testimony that I shall give thee." Later in the record it occurs many times without any explanation. In the expression "Tabernacle of the Testimony," the word is probably used in the same sense in Num. I:50 and 53. It might seem that this expression used the word in a larger sense to include all the symbolical representations of the Tabernacle, but the expression, "The veil of the Testimony," Lev. XXIV:3, makes very clear that the only reference in the word in this use was to the "Testimony" which was kept in the Ark within the veil.

B. The word "testimony" is also used in the plural form to denote the Ten Commandments, Deut. IV:45; "These are the testimonies, and the statutes, and the judgments, which Moses spake unto the children of

Israel after they came forth out of Egypt." Cf. also Deut. VI:20.

C. Still again the word "testimony" in the plural, is used to denote some part of the laws other than the Ten Commandments, or the statutes. Deut. VI:17; "ye shall diligently keep the commandments of the Lord, and his testimonies and his statutes which he hath commanded thee."

5. Commandments. The Hebrew word *mitsvah*, plural *mitsoth*, from *tsavah*, to "command," is of very frequent use throughout the Old Testament and especially in the Pentateuch, where it occurs, in reference to the Law, 46 times.

A. This word is used to denote the Decalogue, Ex. XXIV:12; "And the Lord said unto Moses, come up to me into the mount, and be there: and I will give thee tables of stone, and a law, and commandments which I have written: that thou mayest teach them." Cf. Deut. V:31 (Heb. V:28). This use of the word "commandments" for the Decalogue gave to it a technical significance which will be considered in the latter part of this chapter.

B. The word "commandment" is also used in a general, descriptive sense, but without technical significance whatever. As such it refers to any kind of a law or to all laws, especially in reference to them as enjoining moral obligation. In Lev. XXVII:34, the last verse of the book of Leviticus, in summing up all the laws included in those lists of civil, criminal and especially ceremonial laws, this word "commandments" is used: "These are the commandments which the Lord commanded Israel for the children of Israel, in Mount Sinai." In this way the word is used with great frequency in the Pentateuch. Once it is used in the sin-

gular in the sense of any law; Deut. XVII:20; once also, as summarizing the whole law, Deut. XXX:11; Cf. Deut. VIII:1, 2 and 6; XXXI:5.

This completes the list of general descriptive terms which are used in the Pentateuch to denote the Law or some portion of it. They do not present to us any unusual aspects or seem to advance us very much towards the unknown. The value of the investigation thus far pursued will only appear in the contrast which these words furnish to the next class of legal terms to be examined. These general terms furnish comparison in the investigations to follow which will assist greatly the differentiation of other legal terms and furnish that element of logical comparison without which deduction is not complete.

II. TECHNICAL TERMS

The examination of the general legal terms in the Pentateuch has given us a broad, plain background. Against this background, and in sharp contrast with it, is to be seen a small group of technical legal terms in the Pentateuch, for the clear delimiting of which the examination of the general, descriptive law words has prepared the way. All the legal terms of the Pentateuch have heretofore, in Pentateuchal discussions, been regarded as of one kind, as being all general terms often interchangeable, and so without any very exact discrimination between different kinds of laws, except where some individual law, as the "law of the burnt offering," or the "law of the meat offering" is designated. Occasional passing notice of "the Book of Judgments" (Oxford Hexateuch, I. p. 111), or the calling of some laws "technical" without making any technical use of them (Kautzsch), references which are

not carried into the analysis of the Pentateuch or made to play any part in the discussions of Pentateuchal questions, do not constitute any real exception to this preceding statement. (For Kautzsch's utter lack of discrimination between technical terms, using "statutes" for "judgments," Cf. Kautzsch, *Literature of the Old Testament*, p. 30.)

A most important fact, now to be brought out in these investigations, is that there are in the Pentateuch, certain comprehensive legal terms, not names of individual laws, but names of classes of laws, which are, in the very strictest sense of the word, technical legal terms. These technical terms are used as titles for groups of laws. Sometimes a technical title is placed at the beginning of a group of laws which it designates, sometimes at the end of the group, and sometimes occurs once, or even several times, throughout the course of a group. Sometimes a group of laws is found to which no title is given within the group, but which, after the significance of these technical titles has been determined, is easily classified by comparison with other groups which have titles. Sometimes, also, a long passage in the Pentateuch is made up of several different groups of laws or a group of several laws of different kinds, each group with its own specific title, and, in addition, the whole list of groups is given a comprehensive title including in it two or more of these technical terms so as to make it applicable to the whole complex group of laws, the two or more technical terms making always a complete and exact title for the whole passage. Whatever the title or titles may be, and wherever in the group, or at the end of several groups, they may be placed, these technical terms are used with wonderful exactness. They are never used vaguely and are not substituted for each other.

We will now examine such instances of the use of these technical terms as will make perfectly clear their technical character, and, at the same time, bring out their exact significance. Later in the investigations, every instance of the use of these technical terms throughout the Pentateuch will be examined in order, difficulties and peculiarities in their use will be discussed, and the question of any possible exception to the technical use of these terms in the Pentateuch will be considered, and last of all, the use of these technical terms throughout the whole of the Old Testament will be determined by the examination of every instance of their use.

1. Judgments. The examination first of the use of the Hebrew word *mishpat*, plural *mishpatim*, usually translated "judgments," will best introduce us to a knowledge of the circle of technical legal terms used in the Pentateuch. These technical legal terms, like nearly all technical terms everywhere, are used with strict deference to the meanings indicated by their etymologies. General terms may be used loosely, but technical terms require that words be most definitely used. If these words now to be examined are really technical terms, we may expect to find the etymology of each accurately significant. The investigation will show that it is so in fact.

This Hebrew word *mishpat*, is from the word *shaphat*, "to judge." In the plural form of the noun, *mishpatim*, in which the word nearly always occurs in the Pentateuch, it means literally "judgings." There is a wide and varied use of this word throughout the Old Testament including the Pentateuch. The technical use of the word in the Pentateuch is, however, entirely distinct from these various uses, as will clearly

appear to us now upon examination of the evidence.

The first group of laws in the Pentateuch to which this title *mishpatim*, "judgments," is given is found in Ex. XXI-XXIII:19. The title is set at the head of the group in these words: "Now these are the judgments which thou shalt set before them;" Ex. XXI:1. Following this title are these laws:

Ex. XXI:2-6, Manumission of menservants and their families.

Ex. XXI:7-11, Redemption of a maidservant.

Ex. XXI:12-14, Homicide in different degrees.

Ex. XXI:15, Assault on a parent.

Ex. XXI:16, Kidnapping.

Ex. XXI:17, Cursing of father or mother.

Ex. XXI:18-19, Assault.

Ex. XXI:20-21, Homicide of a servant.

Ex. XXI:22-25, Injury to a pregnant woman received during a quarrel between other persons.

Ex. XXI:26-27, Mayhem.

Ex. XXI:28-32, The law of deodands and damages, accruing from injuries caused by domestic animals.

Ex. XXI:33-34, The law of negligence.

Ex. XXI:35-36, Injury of one domestic animal by another.

Ex. XXII:1, Larceny.

Ex. XXII:2-3, Killing of a burglar caught in the act.

Ex. XXII:2-4, Burglary.

Ex. XXII:5, Trespass by domestic animals.

Ex. XXII:6, Negligence in regard to fire.

Ex. XXII:7-8, Bailments.

Ex. XXII:9, Trespass and recovery.

Ex. XXII:10-13, Bailments.

Ex. XXII:14-15, Bailments of domestic animals.

- Ex. XXII:16-17, Seduction.
- Ex. XXII:18, Witchcraft.
- Ex. XXII:19, Bestiality.
- Ex. XXII:20, Impiety and the penalty.
- Ex. XXII:21, Rights of aliens.
- Ex. XXII:22-24, Wrongs to widows and orphans.
- Ex. XXII:25-27, Loans and pledges.
- Ex. XXII:28, Contempt.
- Ex. XXII:29-30, Tax laws, being laws concerning matters "one with another," when the other party is the community, the state.
- Ex. XXII:31, Personal conduct, and food laws.
- Ex. XXIII:1, Slander and perjury.
- Ex. XXIII:2, Riot and perversion of justice.
- Ex. XXIII:3, Perversion of justice in behalf of the poor.
- Ex. XXIII:4-5, Restoration of lost property.
- Ex. XXIII:6-9, Perversion of justice.
- Ex. XXIII:10-11, Law as to civil holidays (Sabbatic year) a matter "one with another," when the other party is the state.
- Ex. XXIII:12, Law as to civil holidays (Sabbath).
- Ex. XXIII:13, Blasphemy.
- Ex. XXIII:14-17, Law as to civil holidays (Feasts).
- Ex. XXIII:18, Blasphemy.
- Ex. XXIII:19, Perversion.

A careful study of this list of judgments cannot but make it plain to any person that these laws were not on the whole, if indeed, in any part, novelties. They are laws concerning events which are all of common occurrence, and, concerning most of which, there are laws among all peoples. There lay behind Israel centuries of life in Palestine and Egypt under highly developed judicial systems, some at least, of the laws

of Khaummurabi in Palestine and the laws of Egypt in Egypt. Following their line of descent back to Babylonia there is found one of the most wonderfully developed and systematic body of laws which the world has ever seen, and many of these same subjects are subjects of these Babylonian laws (Lyon, *The Code of Khammurabi*, *Journal of the American Oriental Society*, Vol. XXV, p. 248, 265, 1904).

Thus the evident etymological meaning of the word *mishpatim*, "judgments," is here the historical meaning also.

These laws are plainly in reality "judgings," decisions of judges, which had come to be recognized to be just and equitable and thus accepted as common law. The promulgating of them with the authority of God made them the laws of God, but put forth no claim of novelty in them, exactly as the Decalogue is God's moral law, although it announced some things well known before among many other peoples, and other things that are eternal truths. God "gave" these laws exactly as he "gave" Noah, for a token, the rainbow, though it had existed from the creation, or as he "gave" to Abraham, as a token of the covenant, circumcision, already long known among the Egyptians (Muller, *Egyptological Researches*, 1906, pp. 60-62), and probably among the Amorites.

So these laws were, in the main, "judgings," decisions of judges, and properly so-called. They correspond very nearly, in this respect, to the cases in the "Year Books," in English law, or to the common, unwritten law of England. To this body of common law, corrected and given the authority of God, were added a few other laws similar in general character, but intended to lift the common law toward a higher moral

level. These will appear later in the examination of the laws in detail.

The exact character of these laws entitled "judgments" appears very clearly from the examination of even this one group. They are usually, though not invariably, decisions of questions involving moral principles. The Hebrew description of such laws is quite characteristic in its picturesqueness. In Deut. 1:16, are these words: "And I charged your judges at that time (the time of the giving of the law) saying, hear the causes between your brethren, and judge rightly between every man and his brother, and the stranger that is with him." This pleonastic circumlocution of the Hebrew, "every man and his brother and the stranger that is with him," is the exact equivalent of our English expression, "one with another." Thus "judgings" were decisions in the case of controversies "one with another." They touched human relations and usually involved some particular moral consideration. So *mishpatim*, "judgings," "judgments," denoted not only criminal causes, but civil causes as well, which always imply some dispute between one person and another.

"Judgments," i.e., decisions of judges, as defined in the Pentateuch itself, are given specifically the character which is perfectly apparent from the examination of this list of judgments in Exodus, which we have just seen. They are in all cases laws "one with another," either one individual with another individual, or an individual with the congregation, the community, or the state. They are usually concerning things right or wrong in themselves, *mala in se*, and, in every case, they were of such matters as were to be determined by the courts.

That cases for judgment were cases of controversy, matters "one with another," is confirmed by the statement of Deut. XVII:8-9: "If there arise a matter too hard for thee in judgment, between blow and blow, between plea and plea, or between stroke and stroke, being matters of controversy within thy gates, then shalt thou arise, and get thee up into the place which the Lord thy God shall choose; and thou shalt come unto the priests the Levites, and unto the judge that shall be in those days, and enquire, and they shall show thee the sentence and judgment." That "judgments" were administered by judges is also confirmed distinctly not only by the expression just quoted, Deut. XVII: 9; "Unto the judge that shall be in those days," but more categorically in the words, Deut. XVI:18-19; "Judges and officers shalt thou make thee in all thy gates, which the Lord thy God giveth thee, throughout thy tribes and they shall judge the people with just judgment; Thou shalt not wrest judgment, thou shalt not respect persons, neither take a gift; for a gift doth blind the eyes of the wise, and pervert the words of the righteous."

There was even a system of courts to deal with causes for "judgment." If "judgment" was not satisfactory in the common court before the judge, where cases were first to be tried, then appeal might be taken to another judge of a higher court. In Deut. XVII:8-13, there is provision for such an appellate court. Such appeal was to be only in causes "too hard for thee in judgment." The decision of the judge in the higher court was to be final. It was the supreme court; "And thou shalt do according to the sentence, which they of that place which the Lord shall choose shall show thee, and thou shalt observe to do according to all that they in-

form thee; according to every sentence of the law which they shall teach thee, and according to the judgment which they shall tell thee, thou shalt surely do: thou shalt not decline from the sentence which they shall show thee to the right hand nor to the left hand." Contumacy toward the sentence of this final court of "judgment" was punishable by death: "And the man that will do presumptuously, and will not hearken unto the priests that stand to minister there or to the Lord thy God or unto the judge, that man shall die; and thou shalt put away the evil from Israel."

This very distinct character of the laws called "judgments," as indicated in the group of laws cited above, Ex. XXI-XXIII:19, and the positive teaching of the passages in the Pentateuch that such laws as are called "judgments" were administered by the courts, indicates very strongly that this word "judgments" was a technical term used to indicate certainly a distinct kind of laws. When, with this suggestion in mind, the use of this word "judgments" as a title of groups of laws throughout the Pentateuch is carefully observed, the technical character of the word is absolutely confirmed. In every instance where a group of laws is denominated "judgments," it is found, upon examination, that the particular laws in that group are of the character of these laws in Ex. XXI-XXIII:19, which we have examined in detail. If no other legal term is used in the title of the group, then no other kind of laws than "judgments" of this very distinct character is to be expected in such group. If other kinds of laws are found in a group, then some other legal term or legal terms in addition to "judgments" is also used in the title. In some groups of laws, manifestly of the character of the "judgments," no title is given. But when

all the groups of laws entitled "judgments" have been examined, the distinctive character of such laws becomes so clear, that such groups are without hesitation assigned with these groups of "judgments." The whole list of groups of "judgments" will be given and examined in detail later in this investigation, after all the technical legal terms in the Pentateuch have been noted here and their technical character clearly determined.

2. Statutes. The Hebrew word *khoq*, or feminine, *khuqqah*, plural, *khuqqim*, is a segolate noun from the verb *khaqaq*, "to cut," "to engrave," as "laws," "to make a decree," usually translated "statute," is another technical legal term in the Pentateuch, with a meaning quite as distinct and discriminating as *mishpatim*, "judgments." The words *khoq* and *khuqqah*, masculine and feminine respectively, differ much in the frequency of their use respectively in the various books of the Bible, and are sometimes said to differ slightly in their shade of meaning (Cf. Hebrew Lexicon, Brown, Driver and Briggs), but it is very difficult to show any constancy in such supposed shades of meaning. In general, they are unquestionably used interchangeably. The only real difference that seems to be permanent is in a different application of *khoq*: it is sometimes used in the sense of "due" or "portion," Lev. VII:24, and X:14. In Deut. XVIII:3 *mishpat*, "judgment" is employed in the same sense. (For this reference I am indebted to Dr. Finn).

The usual meaning of this word, whether in masculine or feminine, is "a decree," and so "a statutory regulation," or "direction" given. Infringement of the "statutes" was thus not a thing wrong in itself, *mala in se*, as was an infringement of the "judgments," but wrong only because of the "statute," *mala prohibita*.

As the sense of the technical use of the word *mishpatim*, "judgments" is clearly apprehended, as denoting laws concerning things *mala in se*, and always such as were to be administered by the courts, it is at once apparent that the word "judgments" cannot apply to all the ordinances by which a people is governed, that there must be, at least, one other technical legal term. It will be manifest, also, that most of the ordinances of a people which are not "judgments," matters "one with another," *mala in se*, but belong to all that class of regulations and rules of controversy, laws concerning things only *mala prohibita*, which are found in any well ordered government, fall into another class by themselves, and are most accurately described by this word *khuyqqim*, meaning "statutory regulations," and so is correctly translated "statutes."

The distinctive character of the "statutes," when thus pointed out, is at once recognized as so familiar that it almost seems superfluous to give examples of that character; they spring to mind in a multitude. Some of the most conspicuous and familiar examples of "statutes" are the following:

Lev. I:3-17, The law of the Burnt Offering.

Lev. II:1-3, The law of the Meat Offering.

Lev. II:4-16, The law of Oblations.

Lev. III:1-17, Oblation of the sacrifice of a Peace Offering.

Lev. IV:1-12, Law of Sin Offering of ignorance, of the individual.

Lev. IV:13-21, Law of Sin Offering, of the whole congregation.

Lev. IV:22-26, Law of Sin Offering, of the ruler.

Lev. IV:27-35, Law of Sin Offering, of the common people.

Lev. V:1-19, Law of the Trespass Offering, for concealing guilty knowledge, for touching an unclean thing, in making an oath, in sacrilege, and in sins of ignorance.

Lev. VI:1-13, Law of the Trespass and Burnt Offerings.

Lev. VI:14-23, Law of the Meat Offering.

Lev. VI:24-30, Law of the Sin Offering.

Lev. VII:1-27, Law of the Trespass Offering.

Lev. VII: 28-34, Law of the Peace Offering.

Lev. VII:35-36, Law of the Portion of the Priests.

Careful examination of these passages just cited makes the character of the "statutes" clear beyond any question, and the uniformity with which it is used makes equally plain its technical use. From the meaning of this word "statutes," it is to be expected that it will be applied to all kinds of "regulations"; and, in fact, it is found in the Pentateuch applied to many different kinds of "regulations" and "directions." It is applied especially to laws of procedure of every sort, particularly religious procedure, in the regulations of the Ceremonial Law (Cf. p. 20 for further characteristics of "Statutes"). In uniformity of use, the word "statutes" corresponds very closely to the word "judgments," as will be seen later in this investigation.

The examination of the preceding lists of "judgments" and "statutes" makes very clear the peculiar character of "statutes" as "directions" concerning things not familiar, and not to be known as duty, except by the "statute." This characteristic stands out in marked contrast to the peculiarities of the "judgments," which were familiar as well known decisions of judges, and recognized at once on general principles of justice and equity.

There are, also, in addition to the general evidence from these long lists of "statutes," some special passages which make emphatic, and, if possible, bring out still more clearly the distinction between "judgments" and "statutes." It will be well to notice some of these passages now before going on to the consideration of the one remaining technical legal term in the Pentateuch, not only that the line of differentiation between "judgments" and "statutes" may be sharper to our vision, but that the peculiar relation of the remaining legal term to one of these may be more clearly discerned.

In Lev. X:11, in the absolute prohibition of the use of wine or strong drink by the priests at the time of administering in the tabernacle service, it is said, "And that ye may teach the children of Israel all the statutes which the Lord hath spoken unto them by the hand of Moses." Here is a special injunction to "teach" "statutes." It is true that the whole law, including the "judgments," was to be taught, especially to the rising generation. But such a special injunction to teach the "statutes" is closely observed. Like all special regulations of law-givers, rules of procedure in any case, i.e., "statutes," must be taught; whereas "judgments," being the ordinary laws of conduct by which people shall live their lives, are well known to people. People everywhere constantly live an illustration of this same contrast between "judgments" and "statutes" in any well regulated nation today. The citizen goes along his way trying to do what is right, following the ordinary ways of people, and having no need to be specially *taught* the laws that apply to ordinary upright conduct of life. But, if he have a case in court, he must hire a lawyer to tell him how to proceed, or if he have any public

business with the state, or ceremonies in the church, he must read over a lot of directions and regulations. That is to say, the common citizen needs to be *taught* "statutes" of procedure, though he is familiar enough with the common laws of the land. So Israel needed to be specially *taught* "statutes," unfamiliar "directions," not about things right or wrong in themselves, but about regulations of procedure and ceremonies in state and in church. Ex. XVIII:16 is to the same effect: "When they have a matter, they come unto me; and I judge between one and another, and I do make them to know the statutes of God, and his laws." "Judgments" were to be applied, "statutes" were to be taught.

Another passage, Deut. IV:5-6, makes still more emphatic the moral distinction between "judgments" and "statutes." In preparation for entrance into the promised land, which was then anticipated as just before them, Moses gave this instruction and injunction: "Behold, I have taught you statutes and judgments, even as the Lord my God commanded me, that ye should do so in the land whither ye go to possess it. Keep therefore, and do them: for this is your wisdom and your understanding in the sight of the nations, which shall hear of these statutes, and say, surely this great nation is a wise and understanding people." Why should the "nations" be expected to wonder at the "statutes," though nothing is said about their wondering at the "judgments." The moral distinction between the technical meaning of "judgments" and "statutes" is the basis of the distinction in this injunction, and is emphasized by it. A "judgment" being "common law," in accord with recognized principles of justice and equity, principles which lie imbedded in the

human mind everywhere and secure the uniformity of ideas concerning justice found the world over, would be for the most part familiar to the "nations," and so would excite no "wonder." But the "statutes," all that wonderful ceremonial system, the symbolical sacrifices and ceremonies, and all the religious and hygienic and sociological regulations of the people of Israel, that so marked them off from the "nations" round about, they would excite "wonder." An American in Germany before the war did not feel strange or ignorant in the ordinary conduct of life, the ordinary application of principles of justice and right living in matters civil and criminal, but went quietly about his business or his pleasure much as in any other civilized country without fear of being charged with violation of such ordinary laws of upright living. But he was truly moved to "wonder" at the list of things *verboten*, the regulations of German *kultur* and the marvelous conventions of German social life, and had need to give heed to be "taught" those regulations carefully, if he wished to move smoothly among the people and avoid trouble. Indeed, a traveller has something of the same experience in every land to which he goes. He "wonders" at the "statutes," things right only because enjoined and things wrong only because forbidden, but has little difficulty with the "judgments" concerning things right and wrong in themselves.

The consideration of the full extent of the use of this technical legal term, "statutes," as that of the "judgments," will be deferred until the technical character of all the technical legal terms of the Pentateuch has been established.

"Difficulties" have played a large part in Penta-

teuchal discussions. There are "difficulties" also in the technical use of these words "judgments" and "statutes" which will be considered after all the technical terms have been discovered.

3. Commandments. The Hebrew word *mitsvah*, plural *mitsoth*, "commandments," from *tsavah*, "to command," has already been considered as a general descriptive legal term. As such it is of very frequent use in the Old Testament, especially in the Pentateuch and in the Psalms. When so used, it has no technical significance whatever and is applied to any kind of a law or to all laws. It indicates, however, perhaps always, the moral idea involved in obedience to a command. The etymology of the Hebrew word *mitsoth*, "Commands," requires this and the circumstances of its use sometimes most greatly emphasize this moral significance; as when Moses, in Lev. XXVII:34 calls to mind the solemn audience with the Almighty at Sinai, when amidst the awe of that occasion they listened to the laws promulgated there, he says to the people: "These are the commands which the Lord commanded Moses for the children of Israel at Mount Sinai."

So common is this descriptive use of the word "commandments" in references to the law in the Pentateuch and its employment as a technical term is comparatively so infrequent, that, except for its association with the other technical legal terms, "judgments" and "statutes," and its distinct differentiation at times from them, it would hardly be possible to recognize this as a technical legal term at all. Neither does its use as a technical term play so important a part as the other technical terms. But it plays a part, nevertheless, and completeness of the investigation requires that its use be noted.

The technical significance of this word "commandments" is always employed to denote specifically those most fundamental laws called the Ten Commandments. Neither of the technical legal terms, "judgments," "statutes," nor "commandments" corresponds exactly to any particular class of laws among us, but the word "commandments" in its technical use for the Decalogue corresponds somewhat closely to the fundamental laws of modern peoples, the Magna Charta of England, and the Constitution of the United States of America. "Judgments" corresponds nearly to the Common Law of England and "statutes" covers nearly the same subjects as laws of procedure in legal matters and the rubrics in the English prayer Book, and as do the miscellaneous laws of procedure enacted by the various law-making bodies of Church and State in America.

The word *mitsoth*, "commandments" occurs in the technical sense in Lev. XXVI:14-16: "And if you will not hearken unto me, and will not do all these commandments, and that ye shall despise my statutes, or if your soul abhor my judgments, so that ye will not do all my commandments, but that ye break my covenant, I also will do this unto you, etc." The first occurrence of the word "commandments" in this passage is undoubtedly in the general descriptive sense, but the second occurrence of it, "so that ye will not do all my commandments," after the mention of "statutes" and "judgments," seems to demand that it be used in the technical sense of the Decalogue, and then it is immediately so defined by the positively differentiating clause, "that ye break my Covenant." There is more frequent use of this word "commandments" in the technical sense in reference to the Law given in the speeches of Moses in Deuteronomy, in distinction from

the "judgments" and the "statutes." When clearly seen in such contrast, there are a number of other places in which it is used without this comparison, in which it seems most probably, and in some instances certainly, to be used also in the technical sense. In Deut. V:31 (Heb. V:28) in the description of the giving of the Law at Sinai, God says to Moses: "But as for thee, stand thou here by me, and I will speak unto thee of the commandments and the statutes and the judgments, which thou shalt teach them, that they may do them in the land which I give unto them to possess it." In Deut. VI:1, Moses says: "Now these are the commandments, and the statutes, and the judgments, which the Lord your God commanded to teach you, that ye might do them in the land whither ye go to possess it." In Deut. VII:11 Moses again says: "Thou shalt therefore keep the commandments, and the statutes, and the judgments, which I command thee this day to do them." Like use of the word "commandments" in sharp contrast with the "statutes" and the "judgments" occurs also in Deut. VIII:11, XI:1, XXVI:17, and XXX:16. In Lev. XXVII: 34, "commandments" evidently refers as a general term to all the laws given at Sinai. The commandments of the Decalogue were moral laws and cases of violation of them were dealt with by the judges of the courts. Indeed the second table of the Law dealt most specifically with questions "one with another." Thus the "commandments" were of the same general character as the "judgments," and, for this reason, the determining of the technical character of the term "commandments" is not assisted by any distinctive essential character as is the case with the "judgments" and the "statutes." So it happens, as was remarked above, that the technical use of this word is

not so marked as is the technical use of the other two technical legal terms. Notwithstanding this, the use of the word "commandments" in contrast with "judgments" and "statutes," and thus sharply differentiating it from them, proves that at such time it meant specifically and technically the Decalogue.

The technical use of this word *mitsoth* thus once established, there are found a number of places in Exodus, Leviticus and Numbers, in which only this legal term is used or it is used in connection with only one other legal term, which appear most probably, in some instances we may say certainly, to use "commandments" in the technical sense. The first of these passages is in the Decalogue itself, Ex. XX:6. The second commandment closes with these words: "and show mercy unto thousands of them that love me and keep my commandments." The probability that the word "commandments" is here in the technical sense is greatly increased by several subsequent passages, now to be quoted, which plainly make the Decalogue the basis of all moral living and obedience. In Ex. XXIV:12 there are these words: "And the Lord said unto Moses, come up to me into the mount, and be there and I will give thee tables of stone, and a law, and commandments which I have written: that thou mayest teach them." The English revisers in the translation of this passage adopted a text which has *mitsvah*, "commandment," with the definite article, "the commandment."

Lev. IV:2, 13, 22, 27 present another class of passages, all very similar, which speak of the offerings for the sins of ignorance in which it seems most probable that the word "commandments" refers not to "judgments" or "statutes," or to any and every kind of a law, but to the laws of the Decalogue, the Ten Command-

ments as the basis of moral conduct, the transgression of which covers all immorality, for which sacrifice was to be offered. The statement of Lev. IV:2, which is typical of all the passages in this list, is as follows: "If a soul shall sin through ignorance against any of the commandments of the Lord concerning things which ought not to be done and shall do against any of them, etc." In Num. XV:22 there is a similar reference to the "commandments" in speaking of sins of ignorance; and in Num. XV:31, concerning sins of presumption. In this latter case, the word is *mitsvah*, "commandment" in the singular, as the transgressor is mentioned as having sinned against one of the commandments. Then the children of Israel were bidden to wear a fringe upon their garments with a ribbon of blue as a kind of badge of loyalty and to "remember the commandments to do them," Num. XV:38-40. In Num. XXXVI:13, the last verse in the book, the word "commandments" seems to be used for the Decalogue, though vaguely through the many references scattered throughout the book to sins of ignorance and presumption which were specifically denominated sins, violations of commandments.

In Deut. there is quite a long list of passages in which *mitsoth*, "commandments," is used alone and quite manifestly in the technical sense. The first of these passages, Deut. V:10, is again in the second commandment of the Decalogue, "showing mercy unto thousands of them that love me and keep my commandments." Deut. V:29, in the eloquent account of the giving of the Law at Sinai, manifestly referring to the commandments of the Decalogue, are these words: "O that there were such an heart in them, that they would fear me and keep all my commandments always, that

it might be well with them, and with their children forever." In Deut. VII:9, it is said: "Know therefore that the Lord thy God, he is God the faithful God, which keepeth covenant and mercy with them that love him and keep his commandments to a thousand generations." This, also, certainly refers specifically to the promise of the second commandment. Deut. XI:8, 13, 22, 27, 28, is a list of passages all linked together in the narrative and all referring to the Decalogue, as is indicated especially by XI:13: "And it shall come to pass, if ye shall hearken diligently unto my commandments which I command you this day to love the Lord thy God, and to serve him with all thy heart and with all thy soul, etc." Another group of passages includes Deut. XIII:4 and XXVI:18, in which "commandments" is used alone, yet apparently in the technical sense. In Deut. XIII:18, XV:5, and XXVII:10, in which the phrase "commandments which I command thee this day" occurs, the word "commandments" is evidently used in the general sense to refer to all the laws given that day. In XXVI:18, the word "commandments" seems to be used in the general sense summing up the "judgments," "statutes" and "commandments" of the preceding verses.

This word "commandment" clearly is not so strictly employed as a technical term to denote certain laws as are the other technical terms in the Pentateuch. "Judgments" and "statutes," when used as titles of groups of laws in the Pentateuch are never used as mere descriptive terms, but always in their technical sense, as we shall presently see, when all the groups of laws are examined. The word "commandments" is very frequently used as a general descriptive term in the Pentateuch. It sometimes seems as if the word was intended

to denote anything of the nature of a "judgment," which was yet not a decision of the judges, but a new "judgment" added by the "commandment" of the Lord. A "commandment" of this kind was thus "a thing commanded," i.e., given directly by God, in distinction from the other "judgments" which were "judgings" approved of God and thus indirectly "commanded." Thus the word "commandments" was naturally used less frequently in the technical sense than were the other technical terms, and often used in the general sense to denote anything directly commanded by God.

In Deut. VI:1, "Now these are the commandments and the statutes and the judgments which the Lord hath commanded to teach you, that ye might do them in the land whither ye go to possess it," the word "commandments" is used in the technical sense: while in Deut. VI:2, "statutes" and "commandments" are mentioned as being both alike "commanded," though "judgments" are not so mentioned. In Deut. XXVI:13, "commandments" are specially emphasized as being "things commanded." Cf. also, Deut. XXVII:19; XXVIII:15 and 45; XXX:8. Once, Num. XXXVI:13, "judgments," also, are said to be "commanded": "These are the commandments and the judgments, which the Lord commanded by the hand of Moses unto the children of Israel in the plain of Moab by Jordan near Jericho." But even in this instance there is a clear distinction between "judgments" and the other "commandments" which were "commanded."

It must be noted, also, that not only is the word "commandments" sometimes used as a general law term, and used to denote laws other than the Decalogue, but also that other words are sometimes employed in place of the word "commandments" in the technical sense.

Debarim, "words," and *berith*, "covenant," are so used. Deut. IV:10 has "Especially the day that thou stoodest before the Lord thy God in Horeb, when the Lord said unto thee, gather my people together and I will make them hear my words, that they may learn to fear me all the days that they shall live upon the earth, and that they may teach their children." In Ex. XXXIV:28, we have "And he wrote upon the tables the words of the covenant, the Ten Commandments" (Heb. "words"). *Toroth*, "laws," seems, also, to be used sometimes in the place of the technical term "commandments" as probably in Lev. XXVI:46: "These are the statutes and the judgments and the laws which the Lord made between him and the children of Israel in Mount Sinai by the hand of Moses."

The sum of all the investigation of this word "commandments" is this: That sometimes it is impossible to tell certainly whether the word is used in the technical sense or not; that at times it plainly is used in a more general sense. I have exhibited these peculiarities at length to make the investigation complete and present the case as it is and so avoid even the appearance of special pleading from a partial examination of the evidence in the case.

On the other hand, that "commandments" is frequently used in the technical sense is quite clear and unequivocal. These instances of its technical use determine its technical character and make it certainly one of the technical legal terms, no matter how often it may be used in a non-technical way. Such use of a word, now in a technical sense and now in a non-technical sense, is not at all a linguistic rarity even, not to say monstrosity. Every modern dictionary shows a multitude of words which have both a common use and a

technical use explicitly so designated in the dictionary. Such a word as "staff" has not only a common meaning, but no less than six different technical meanings. The discovery that this word "commandments," as well as, also, the other technical terms in the Pentateuch are at times, or even frequently, used in a non-technical sense presents no difficulty, whatever, when the fact that they are so used as technical terms is clearly established in each instance.

The foregoing facts concerning the use of these technical terms, "commandments," "judgments," and "statutes," are enough to establish their technical character and use, but still greater emphasis is given to the technical use of these words when it is noted that there are frequently larger groups of laws, including two or more kinds of laws, to which a comprehensive title is given employing two, or sometimes all three, of these technical terms. When this occurs, it is found that all the kinds of laws mentioned in such title are found in that group and no other kind of laws is found there. Sometimes, also, a large group of laws with a complex title has within it shorter lists of "judgments" or "statutes" or "commandments" each with its own appropriate title. The titles are usually given in a formal way, as "These are the commandments," or "The judgments," or the "statutes," as the case may be, but sometimes the title is mentioned incidentally, as "commandments" in the Decalogue. Other words are sometimes used to describe these various kinds of laws, as we have seen in the examination of the general descriptive legal terms in the Pentateuch, as well as the technical terms, but these technical terms are never used for any other kind of laws than is indicated by the technical meaning of these various terms. The proof of these three state-

ments requires that at this point the whole list of groups of laws in the four books of the Pentateuch containing laws, together with the associated narratives must now be given, their titles noted, their peculiarities discussed in detail, and the question of possible exceptions to the technical use of these terms considered.

4. Examination and classification of all the laws and associated narratives in the order of the text.

The beginning of the Pentateuchal laws is at Ex. XX:1. The first list of laws is the Decalogue itself, Ex. XX:2-17. The title "commandments," is found incidentally in Ex. XX:6: "Them that love me and keep my commandments." The beginning and ending of the list of laws is distinct beyond any question. But what narrative of the giving of the Decalogue. The beginning precedes and follows? How much of it belongs to this list of laws, either alone or in connection with other lists of laws? This is distinctly a literary question to be determined by the sense of the text and the context of this part of the Pentateuch as it stands. No matter from what source or sources the Biblical writer may have drawn his materials or even quoted his materials *in toto*, the relation between the parts as they stand is to be determined only by the sense of the whole passage of the finished product. Applying this criterion, it is very evident that the narrative in Ex. XX:18-23 belongs to this first list of laws and concludes the narrative of the giving of the Decalogue. The beginning of that narrative is not so easily determined. Ex. XX:1, "God spake all these words, saying," belongs to the Decalogue alone. Along with these words the immediate introduction of the narrative of the giving of the Decalogue begins with Ex. XIX:1. Thus so much of the narrative immediately preceding the Decalogue

belongs only to that list of laws. But what is the relation of the eighteenth chapter of Ex., concerning the visit of Jethro, and all which goes before this to the Decalogue and what follows it? These portions cannot be said to belong as narrative to the Decalogue alone. Yet they plainly all belong together as narrative. While there are many brief episodes recounted, as the crossing, the song of Moses and the dancing of Miriam and her maidens, the events of Marah and Elim, the giving of quails and manna, the discouragement in the wilderness of Sin, the fighting with Amalek, the water from the rock and, last of all, the meeting with Moses' father-in-law and the better organization of the civil government of Israel, yet there is a unity and progress in the whole narrative which marks it as one, as an introduction, indeed, not to the Decalogue alone, but to all the laws given in the wilderness, as it is an introduction to all the journeys in the wilderness. Further evidence of this, if it were needed, will be found by the examination of all the lists of laws yet remaining.

Ex. XX:24-25. Immediately after the close of the Decalogue narrative, at Ex. XX:21, there is a reminder of the "commandments" and then the first brief, simple ritual regulations, Ex. XX:22-24. Verses 22-23 recall the first and second commandments, those most essential at that moment to the fuller revelation of Jehovah as the one true God, and thus demanding at once their undivided allegiance. The ritual laws given here have no title but their character examined in detail shows them to be certainly "statutes," as follows:

Ex. XX:24, Concerning altars of earth, kinds of sacrifice and the things sacrificed.

Ex. XX:25, Concerning altars of stone.

Ex. XX:26, Concerning "steps unto mine altar."

Ex. XXI:1, XXXIII:19, This long passage is a list of "judgments" which have already been examined (p. 14) and found so typical as to make perfectly clear the essential character of the "judgments." The title is set at the head of the list, Ex. XXI:1, and constitutes the one narrative sentence preceding the list and belonging to it: "Now these are the judgments which thou shalt set before them." The title is repeated in the reference to the Decalogue found in Ex. XXIV:3; "And Moses came and told the people all the words of the Lord and all the judgments." The narrative portion, Ex. XXIII:20-XXIV:18, closes the account of the giving of these "judgments" with general directions for the journey to the promised land and the occupation of it, events at that time in immediate contemplation, together with an account of the reading to the people of the laws already given and the making of the Covenant, and, also, an account of the theophany before the seventy elders.

In the midst of this section is a short list of commandments of a general character, Ex. XXIII:31-33. There is no title to this list, but they are: Ex. XXIII:31; A command to drive out the inhabitants of Canaan; Ex. XXIII:32-33, Forbidding alliances with inhabitants of Canaan. These commandments are, in each case, concerning matters "one with another," and so of the nature of "judgments." They were not however "judgings," but new commandments of God. They were special directions given in matters "one with another," and so belong to a class of laws of which we will find a few specimens with titles and which are called most aptly, as we shall see, "statutes of judgment."

Ex. XXIV:1-XXVII:19. The narrative of the first period of the giving of laws at Sinai closes with the

end of chapter XXIII. At chapter XXIV begins the account of the second period of the giving of laws and directions at Sinai, at least forty days later than the first period. The laws consist of several lists with accompanying narrative. Chapter XXIV is entirely a narrative introducing the lists of directions that follow.

The first list here, Ex. XXIV:1-XXVII:19, is without distinctive title but the character of the laws, as directions for procedure, and the exact similarity to those lists immediately following which have titles, show these laws to be "statutes." This is confirmed, also, by the explicit direction, "According to all that I show thee," Ex. XXIV:9, i.e., follow "directions," for which the Hebrew word is *khuqqim*.

The "statutes" of this list, beginning with the usual narrative formula, Ex. XXIV:1, are:

Ex. XXV:2-9, Directions for the offerings for the Tabernacle.

Ex. XXV:10-22, Directions for the construction and use of the Ark of the Covenant.

Ex. XXV:23-30, Directions for the Table of Shew bread and its dishes.

Ex. XXV:31-40, Directions for the candlestick and the snuffers.

Ex. XXVI:1-14, Directions for the curtains of the Tabernacle.

Ex. XXVI:15-30, Directions for the boards and bars of the Tabernacle.

Ex. XXVI:31-32, Directions for the vail.

Ex. XXVI:33-37, Directions for setting up the Tabernacle and its furniture.

Ex. XXVII:1-8, Directions for the great Altar of Burnt Offering and its utensils.

- Ex. XXVII:9-18, Directions for the Court of the Tabernacle.
- Ex. XXVII: 19, Directions concerning material of the vessels of the Tabernacle service.
- Ex. XXVII:20-21, Here a brief but distinct direction is given concerning "the oil for the light, to cause the lamp to burn always." This law is called a "statute forever." Ex. XXVII:21.
- Ex. XXVIII:1-43, Directions concerning the priesthood, with title at Ex. XXVIII:43; "A statute forever."
- The passage in detail is as follows:
- Ex. XXVIII:1, Directions for the setting aside of the family of Aaron to the priesthood.
- Ex. XXVIII:2-5, Directions for the priests garments.
- Ex. XXVIII:6-13, Directions for the Ephod.
- Ex. XXVIII:14-30, Directions for the priesthood.
- Ex. XXVIII:31-35, Directions for the robe of the Ephod.
- Ex. XXVIII:36-38, Directions for the horns overlaid with gold.
- Ex. XXVIII:39, Directions for the coat and girdle.
- Ex. XXVIII:40-43, Directions for the investiture and consecration of the priests.
- Ex. XXIX:1-46, Detailed directions for the consecration and investiture of the priests and for the daily offerings. These directions are referred to as a "statute" in verse 9, and also in verse 28. The directions in detail are as follows:
- Ex. XXIX:1-9, Directions for the approach with sacrifice and for the investiture of the priests.
- Ex. XXIX:10-14, Directions for the sin offering.

- Ex. XXIX:15-18, Directions for a burnt offering of a ram.
- Ex. XXIX:19-28, Directions for the Heave Offering of a ram.
- Ex. XXIX:29-30, Directions for the inheritance of the holy garments of Aaron.
- Ex. XXIX:31-37, Directions for the sacred meal for the priests and for the continuance of the sacrifice for seven days.
- Ex. XXIX: 38-46, Directions concerning the morning and evening sacrifices.
- Ex. XXX:1-38. This passage contains a number of directions concerning various ceremonies and requirements in connection with the religion of Israel. In only one of these laws, Ex. XXX:21, is the word "statute" used, but they are clearly all similar laws of religious procedure.
- Ex. XXX:1-10, Directions concerning the altar of incense and the service there.
- Ex. XXX:11-16, Directions concerning the half shekel redemption money. These might at first sight appear to be a tax law of the state, and so a "judgment," being a matter "one with another," when one party was the state. But, in fact, it is not so. It was a religious service and no more a tax law of the state than similar contribution toward religion now. It was not administered by the courts; it was a religious duty attended to at the sanctuary. Thus it was a law of religious procedure, a "statute."
- Ex. XXX:17-22, Directions for the laver and for the ablutions of the priests, distinctly called a "statute," verse 21.
- Ex. XXX:22-33, Directions concerning the holy oil of anointing, and the use of it.

- Ex. XXX:34-38, Directions concerning perfume.
- Ex. XXXI:1-XXXIV:17. This narrative portion which now follows clearly belongs to the "statutes" of the Tabernacle and its service which have just been examined.
- Ex. XXXI:1-11, Contains the account of the appointing of Bezaliel and his fellows to direct the construction of the Tabernacle and its furniture, and the garments, the oil and the incense.
- Ex. XXXI:12-18, Gives instruction to Moses to charge the people concerning the keeping of the Sabbath.
- Ex. XXXII:1-35, Recounts the whole episode of the golden calf.
- Ex. XXXIII:1-23, Relates the withdrawal of the full fellowship which Israel had previously enjoyed, the Tent of Meeting being taken out of the camp, together with the account of the effective intercession of Moses for the favor of God toward the people.
- Ex. XXXIV:1-17, Recounts the renewal of the tables of stone for the Decalogue, and the fulfillment of God's promise to make a fuller revelation of himself to Moses, together with an exhortation concerning the keeping of the various commands.
- Ex. XXXIV:18-26, Presentation of a short mixed list of laws without any title. Their character is not open to question. Verse 21 is a reminder of the fourth commandment: all the rest of this list are "statutes." Besides they are all in fact but a narrative concerning laws already given. The list in detail is as follows:
- Ex. XXXIV:18, A "statute" of the Feast of Unleavened bread.

- Ex. XXXIV:19-20, A "statute" of the redemption of the first born.
- Ex. XXXIV:21, A "judgment" concerning Sabbath keeping, enforcement of the fourth commandment, a law between the individual and the state to be enforced by the courts.
- Ex. XXXIV:22, A "statute" of the Feast of Weeks and of the Feast of Ingathering.
- Ex. XXXIV:23-24, A "statute" concerning the appearance of all males before the Lord three times in a year.
- Ex. XXXIV:25-26, A "statute" concerning leaving any portion of the Feast of the Passover until the morning, concerning the first fruits of the land, and concerning the seething of a kid in the mother's milk, probably a "judgment."
- Ex. XXXIV:27-35, A narrative of the second stay of Moses for forty days on the mountain, and of his return to speak with the people.
- Ex. XXXV:1-35, A narrative of the announcement of "judgments" for the enforcement of the fourth commandment, and the call to the people for gifts for the Tabernacle, the announcement of the appointment of Bezaliel and his fellows for the work of constructing the Tabernacle and its furniture.
- Ex. XXXVI:1-XL:38, Gives account of the work of construction by Bezaliel and his fellows.
- Ex. XXXVI:1-38, The gathering of material and the construction of the Tabernacle.
- Ex. XXXVII:1-29, The preparation of the Ark, the table of the Shew bread, the candlestick and the altar of incense, and the holy anointing oil.
- Ex. XXXVIII:1-31, Recounts the making of the

altar of Burnt Offering, and the Court of the Tabernacle and gives the "sum of the Tabernacle."

- Ex. XXXIX:1-31, Gives account of the making of the holy garments, the ephod, the precious stones of the ephod, and the robe of the ephod, the coats of fine linen, and the plate of pure gold for the frontlet.
- Ex. XXXIX:32-43, Tells of the completion of the whole work and the turning over of the completed Tabernacle and furniture to Moses, and its acceptance by him.
- Ex. XL:1-16, Recounts directions for the setting up of the Tabernacle and the investiture of the priests.
- Ex. XL:17-33, Tells of the obedience to these directions in the setting up of the Tabernacle and the institution of its service.
- Ex. XL:34-38, Tells of the giving of the cloud of glory to the Tabernacle and of the method of its conduct of the march.

Thus all the remaining chapters of Exodus from the giving of directions for the construction of the Tabernacle, Ex. XXX:38, to the close of the book, almost entirely narrative in character, are immediately connected with the giving of the instructions, the "statutes" for the Tabernacle and its service at Sinai, and so belong, as literature, to those "statutes."

LEVITICUS

Lev. I-XVI, Short lists of "statutes," some of them without title, but all of the same statutory character, as follows:

Lev. I:1-17, The law of the Burnt Offering.

- Lev. II:1-3, The law of the Meat Offering.
- Lev. II:4-16, The law of Oblations.
- Lev. III:1-17, Oblation of the sacrifice of a Peace Offering.
- Lev. IV:1-12, Law of Sin Offering of ignorance, of the individual.
- Lev. IV:13-21, Law of Sin Offering, of the whole congregation.
- Lev. IV:22-26, Law of Sin Offering, of the ruler.
- Lev. IV:27-35, Law of Sin Offering, of the common people.
- Lev. V:1-19, Law of the Trespass Offering, for concealing guilty Knowledge, for touching an unclean thing, in making oath, in sacrilege, and in sins of ignorance.
- Lev. VI:1-13, Law of the Trespass and Burnt Offerings.
- Lev. VI:14-23, Law of the Meat Offering.
- Lev. VI:24-30, Law of the Sin Offering.
- Lev. VII:1-27, Law of Trespass Offering.
- Lev. VII:28-34, Law of the Peace Offering.
- Lev. VII:35-36, Law of the portion of the priests.
- Lev. VII:37-38, A Summary.
- Lev. VIII:1-30, Narrative of the consecration of Aaron and his sons, leading directly to,
- Lev. VIII:31-36, A statute concerning the time of consecration, without title.
- Lev. IX:1-24, Narrative of the first offering by Aaron and his sons, rehearsing much of the statutes of offerings.
- Lev. X:1-7, Narrative of the sacrilege of Nadab and Abihu and the consequences.
- Lev. X:8-11, Prohibition of wine and strong drink for the priests at the time of the Tabernacle

- service; title X:9. (Did this statute grow out of the preceding sacrilege?)
- Lev. X:12-15, The "due" of the priests, a "statute forever." Title, X:15.
- Lev. X:16-20, Narrative of the goat of the sin offering that was not eaten.
- Lev. XI:1-47, Statute of meats clean and unclean; without title.
- Lev. XII:1-8, Statute of purification after childbirth; for title it has the general term *torah*, v. 7.
- Lev. XIII:1-59, Directions for the detection of leprosy; *Torah*, v. 59.
- Lev. XIV:1-57, Cleansing for leprosy; *torah*, v. 2.
- Lev. XV:1-33, Uncleanliness of issues; *torah*, v. 32.
- Lev. XVI:1-28, Law of the scape goat; without title.
- Lev. XVI:29-34, Law of the Feast of Expiation; a "statute," title, vs. 29, 31, 34.
- Lev. XVII:1-XXVI:45. This long passage is the so-called "Holiness Code." It consists of both "judgments" and "statutes," and so there is frequently the double title, "statutes and judgments." The groups of laws and intervening narrative in detail are as follows:
- Lev. XVII:1-9, A "statute" concerning the bringing of the offering to the door of the Tabernacle; title, XVII:7.
- Lev. XVII:10-16, A "statute" concerning the eating of flesh with the blood; without title.
- Lev. XVIII:1-30, Laws of unlawful marriage and all such abominations. There is first,
- Lev. XVIII:1-5, A brief narrative giving also the title for laws following, "judgments" and "statutes" XVIII:4-5.

Lev. XVIII:6-17, Laws of consanguinity in marriage, concerning one's mother, his step-mother, his half-sister, his niece, his aunt, his daughter-in-law, his sister-in-law, his step-daughter and his granddaughter. These laws, with one of uncleanness, XVIII:19, are clearly for the most part "statutes." Though we recognize them as involving questions of moral quality, most of them are not to be recognized as *mala in se*, but as *mala prohibita*. Some of them are still among us only *ecclesiastical* regulations and the subject of great dispute concerning their moral or immoral character among Christians.

On the other hand, verse 18, bigamy; 20 adultery, 21 the law against human sacrifice, especially child sacrifice, 22 sodomy, 23 bestiality, are all as clearly "judgments" *mala in se*, to be administered by the courts. In keeping with the mixed character of this list of laws, the title, already found at XVIII:4-5, is repeated in XVIII:26. The chapter closes with a narrative concerning the full effects of such abominations upon the people. XVIII:27-30.

Lev. XIX:1-4. After two verses of narrative introduction there is a brief form of three of the Commandments, the fifth, the fourth and the second. There is no title, but these laws are clearly of the nature of "judgments" enforcing the fundamental law, exactly as the enactments of Congress enforce various portions of the fundamental law in the constitution of the United States.

Lev. XIX:5-37, Another list of mixed laws, in detail as follows:

- Lev. XIX:5-8, Law of the peace offering; a "statute."
- Lev. XIX:9-10, Law of gleanings; a "statute."
- Lev. XIX:11, Laws against stealing and lying; "judgments."
- Lev. XIX:12, Law against false swearing and profanity, enforcement of the third commandment; "judgments."
- Lev. XIX:13, Law against fraud and oppression; "judgments."
- Lev. XIX:14, Law against cruelty to the weak; "judgment."
- Lev. XIX:15, Law against respect of persons in judgment; "judgment."
- Lev. XIX:16, Law against tale-bearing and slander; "judgment."
- Lev. XIX:17, Law against malice; "judgment."
- Lev. XIX:18, Law against private revenge for wrongs, i.e., so called "mob-law"; "judgment."
- Lev. XIX:19, Law against mingled breeds, seeds and materials for weaving; "statutes." The title "statutes," is set here at the head of a series of statutes continuing to Lev. XIX:28, after the long list of "judgments" just preceding.
- Lev. XIX:20-22, Law of trespass-offering for fornication with a slave-woman; "statute."
- Lev. XIX:23-25, Law of uncircumcised fruit; "statute."
- Lev. XIX:26-28, Laws against eating flesh with the blood, using enchantment and observing times, rounding the corners of the head or marring the corners of the beard, cuttings in the flesh or marks upon the body; "statutes."
- Lev. XIX:29, Law against pandering in the case of a daughter; "judgment."

- Lev. XIX:30, Laws of Sabbath-keeping and reverence; "judgments."
- Lev. XIX:31, Law against dealing with those who have familiar spirits or who are wizards; "judgment."
- Lev. XIX:32, Law of reverence for persons, a "judgment," enforcing the fifth commandment.
- Lev. XIX:33-34, Law against oppressing aliens, a "judgment."
- Lev. XIX:35-36, Law of weights and measures; a "judgment." This series of laws of various kinds in Lev. XIX:1-37, is now brought to a close with the double title, "statutes and judgments," Lev. XIX:37.
- Lev. XX:1-27, Presents another list of laws with the usual introductory formula, "And the Lord spake unto Moses." In detail it is as follows:
- Lev. XX:2-5, Law against child-sacrifice; "judgment."
- Lev. XX:6, Law against turning after those having familiar spirits, and after wizards; "judgments."
- Lev. XX:7-8, Presents an exhortation to holiness in character which was by the keeping of the moral laws of which the "judgments" were the enactments for the people, with also the additional exhortation to "keep my statutes." Thus the whole exhortation is a circumlocution for the formula "judgments and statutes."
- Lev. XX:9, Law against cursing father and mother; a "judgment."
- Lev. XX:10-12, Law against adultery; a "judgment."
- Lev. XX:13, Law against sodomy; a "judgment."

- Lev. XX:14, Law against incest; a "judgment."
- Lev. XX:15-16, Law against bestiality; a "judgment."
- Lev. XX:17-21, Laws of consanguinity; "statutes."
In verse 22 the exhortation is given to "keep all my statutes and all my judgments, and do them that the land, whither I bring you to dwell therein, spue you not out." This double title occurring here seems to look both backward and forward, forward to the "judgments" and "statutes" found in the list to the end.
- Lev. XX:23-26, Law against conformity to the ways of the people of the land, and against uncleanness; "statutes."
- Lev. XX:27, Law against those who have familiar spirits, and against wizards; "judgments."
- Lev. XXI:1-24, A number of laws without title, as follows:
- Lev. XXI:1-15, Laws against defilement; "statutes."
Even verse 9 is not a "judgment," but a "statute" against defilement of a priest. It might be called a "statute of judgment."
- Lev. XXI:16-24, Law of blemishes among priests; a "statute."
- Lev. XXII:1-9, Uncleanness in priests; a "statute."
- Lev. XXII:10-13, Doing of holy things by strangers; a "statute."
- Lev. XXII:14-16, Doing holy things unwittingly; a "statute."
- Lev. XXII:17-25, Free-will offering and oblation of a stranger; a "statute."
- Lev. XXII:26-28, Age of animals for sacrifice; a "statute."
- Lev. XXII:29, Offering of one's own will; a "statute."

- Lev. XXII:30, Offerings to be eaten the same day; a "statute."
- Lev. XXII:31-33, A few words of general exhortation following the preceding list of laws.
- Lev. XXIII:1-44, A list of "statutes," some with titles and some without; most of them ritual laws concerning the feasts. In detail they are as follows:
- Lev. XXIII:1-2, Brief introductory narrative.
- Lev. XXIII:3, The Sabbath as a holy convocation; a "statute," not a "judgment" of a civil holiday in this case.
- Lev. XXIII:4-8, The Feast of the Passover; a "statute."
- Lev. XXIII:9-14, Feast of the First Fruits; a "statute," title, Lev. XXIII:14.
- Lev. XXIII:15-21, The Feast of Pentecost; a "statute," title, XXIII:21.
- Lev. XXIII:22, Gleanings for the poor and for strangers.
- Lev. XXIII:23-25, The Feast of Trumpets.
- Lev. XXIII:26-32, The Day of Atonement.
- Lev. XXIII:33-36, The Feast of Tabernacles.
- Lev. XXIII:37-38, Two verses of narrative concerning the feasts and Sabbaths.
- Lev. XXIII:39-44, The Feast of Tabernacles in detail; a "statute," title, XXIII:41.
- Lev. XXIV:1-4, Law of requisition of oil for the lamps, a "statute"; title, Lev. XXIV:3.
- Lev. XXIV:5-9, The Shew Bread and its presentation; a "statute"; title, XXIV:9.
- Lev. XXIV:10-23. This passage is one of the clearest illustrations of the use and the probable source of most of the lists of laws after the first

formal giving of laws. There is an incident which called forth a specific law, and together with this law other laws were added, usually in part, at least, of a similar kind. There is narrated the story of the Egyptian lad who cursed God, was arrested, tried and condemned to death by stoning and the sentence carried out. Verse 16 records the "judgment" for such a case, and following this, is a list of "judgments." There is no title expressed, though the character of the laws is perfectly clear.

Lev. XXIV:10-16, Narrates this incident together with the "judgment" against such a crime.

Lev. XXIV:17, Law against homicide; a "judgment."

Lev. XXIV:18, Killing of any man's beast; a "judgment."

Lev. XXIV:19-21, Bodily injury, and reprisals, *lex taliones*; a "judgment."

Lev. XXIV:22, Impartiality of judgment; a "judgment." These laws, from XXIV:10, are all "judgments," though no technical title is given in the list. The expression "judgment of law" does occur, verse 22, but *mishpat* is here used in an idiomatic way equivalent to "manner," as in many other places.

Lev. XXV:1-55, Now just at the end of the sojourn at Sinai, when it was expected that Israel would proceed at once to the promised land, the laws of the Sabbatic year and the Year of Jubilee were given, as they would be needed there. The title, "statutes and judgments" is in Lev. XXV: 18. These were special regulations concerning "matters one with another," the "other" being

the state. But they were not only "judgments," *mala in se*, but also special regulations, *mala prohibita*. Hence appropriately called "statutes and judgments." With these laws are some others which will be found of the same character. In detail they are as follows:

- Lev. XXV:1-34, The year of Jubilee.
- Lev. XXV:35-38, Relief of the poor by loans.
- Lev. XXV:39-46, Treatment of those who become servants through poverty.
- Lev. XXV:47-55, Redemption of one who becomes bond-servant of a stranger and sojourner. Nothing could bring out more clearly the technical character of these terms "judgment" and "statute" than such discriminate use of these terms in laws like those in this list.
- Lev. XXVI:1-46, Presents a summary of all the laws preceding. There are "judgments" based upon the Commandments, and "statutes" concerning all God's dealing with them as a people. And so two comprehensive titles are found: Lev. XXVI:3, lying between the "judgments" based upon certain "commandments" preceding, and the "statutes" following: Lev. XXVI:15 is a comprehensive title referring to all kinds of laws including "commandments," "statutes," and "judgments"; and Lev. XXVI:46, where the title is three-fold, but "laws" is used instead of "commandments," thus, "statutes, judgments and laws." The title seems also to be a summing up of all the laws from XVII:1 to XXVI:45. In detail, this chapter XXVI is as follows:
- Lev. XXVI:1-2, "Judgments" based upon commandments, worship by images, Sabbaths, and reverence for the sanctuary.

- Lev. XXVI:3-13, Blessings promised, of the nature of "statutes."
- Lev. XXVI:14-45, Curses threatened; also of the nature of "statutes."
- Lev. XXVII:1-13, Estimation for vows; "statutes."
- Lev. XXVII:14-25, Redemption of sanctified things, house and field.
- Lev. XXVII:26, Concerning devoted things, tithes and the redemption of tithes.

NUMBERS

Num. I-X. These chapters recount the numbering of the people and the directions given preparatory to the resumption of the journey toward the promised land. The only technical title of any kind which occurs within this passage is the "statute" of the Passover in Num. IX:12-14, and the blowing of trumpets, a "statute forever," in Num. X:8. But the directions given are of the nature of "statutes," as will appear upon examination, and there are some narrative portions scattered throughout. Though these directions are of the nature of "statutes," this technical title is seldom, if ever, applied to a direction which is to be carried out but once. It was applied rather to something which was to be repeated continually. The chapter in detail is as follows:

- Num. I:1-46, The Command to number Israel with accompanying narrative.
- Num. I:47-54, The tribe of Levi not to be numbered, and directions concerning the Tabernacle on the march.
- Num. II:1-31, The order of the camp about the Tabernacle.

- Num. II:32-34, Brief narrative at the close of the directions for the numbering and the order of the camp.
- Num. III:1-4, Narrative of the generations of Aaron and Moses.
- Num. III:5-13, Duties of the tribe of Levi.
- Num. III:14-39, Special numbering of the tribe of Levi, and their order about the Tabernacle.
- Num. III:40-43, Numbering of the first-born males from a month old.
- Num. III:44-51, The Levites instead of the first-born among Israel, together with the redemption money for the excess of Israelites.
- Num. IV:1-15, Numbering of the sons of Kohath with the enumeration of their duties.
- Num. IV:16, The office of Eleazar.
- Num. IV:17-20, The tribe of Kohath not to be cut off.
- Num. IV:21-28, The numbering, and the duties, of the sons of Gershon.
- Num. IV:29-33, The numbering, and the duties, of the sons of Merari.
- Num. IV:34-49, A narrative portion recounting the numbering of the Kohathites, the Gershomites and the Merarites, and the Levites according to the direction given.
- Num. V:1-4, Expulsion of lepers.
- Num. V:5-10, Recompense of trespass.
- Num. V:11-31, Trial of jealousy.
- Num. VI:1-22, The Nazarite.
- Num. VI:23-27, Form of blessing.
- Num. VII:1-89, Account of the dedication of the altar and the offerings of the princes.
- Num. VIII:1-4, Narrative of the lighting of the lamps in the candlestick.

- Num. VIII:5-19, Directions for the cleansing of the Levites.
- Num. VIII:20-22, Narrative of the cleansing of the Levites.
- Num. VIII:23-26, Duties of the Levites.
- Num. IX:1-3, The command to keep the Passover again; both a "statute" and a "judgment." The Passover was both a civil and a religious ordinance, it was a religious service, but enforced by law.
- Num. IX:4-5, Narrative of the keeping of the Passover.
- Num. IX:6-14, Narrative of the case of the defiled man and the Passover, with laws of the Passover for special cases; a "statute."
- Num. IX:15-23, Narrative of the erection of the Tabernacle, and the daily journeys at the command of the Lord.
- Num. X:1-10, Blowing of the silver trumpets; a "statute," Num. X:8.
- Num. X:11-28, Narrative of the setting forward on the journey to Canaan.
- Num. X:29-32, Narrative of the request to Hobab to accompany Israel, and of his refusal.
- Num. X:33-36, Summarizing narrative of the departure and the journey.
- Num. XI:1-9, Narrative of the complaint of the people about food and of their lust for flesh.
- Num. XI:10-17, Narrative of the complaint of Moses and of his inability to bear the burden, and of the appointment of the seventy elders.
- Num. XI:18-23, Narrative of the promise of quails.
- Num. XI:24-30, Narrative of the selection of the seventy elders.

- Num. XI:31-35, Narrative of the giving of the quails and of the plague that resulted.
- Num. XII:1-16, Narrative of the complaint of Miriam and Aaron about the Ethiopian woman, with an account of the leprosy of Miriam, and of her punishment.
- Num. XIII:1-33, The sending of the spies and their report.
- Num. XIV:1-39, Narrative of the rebellion of the people and their punishment.
- Num. XIV:40-45, The narrative of the attempt of the people to go up against the command of God, and of their defeat.
- Num. XV:1-16, Law of meat offerings and drink offerings; "statutes"; title, Num. XV:15 (A. V. "ordinances").
- Num. XV:17-21, Heave offerings; a "statute."
- Num. XV:22-29, Offering for sins of ignorance; a "statute."
- Num. XV:30-31, The presumptuous sinner to be cut off; a "statute."
- Num. XV:32-36, Narrative of the man who gathered sticks on the Sabbath, and of his punishment.
- Num. XV:37-41, Fringes for garments; a "statute."
- Num. XVI:1-50, Narrative of the rebellion of Korah, Dathan and Abiram, and of their punishment.
- Num. XVII:1-13, Narrative of the test of rods, and of the budding of Aaron's rod; this narrative naturally growing out of the rebellion of Korah, Dathan and Abiram.
- Num. XVIII:1-32, Various "statutes," some of them with titles, in detail as follows:
- Num. XVIII:1-7, Rights and prerogatives of priests and Levites; without title.

- Num. XVIII:8-19, The priests' portion; a "statute," title XVIII:8 (A. V. "Ordinance") also 11 and 19.
- Num. XVIII:20-32, The portion of Levites and their offerings; a "statute," title XVIII:23.
- Num. XIX:1-10, Sacrifice of the red heifer; a "statute," title XIX:2 (R. V. "Ordinance") and 10.
- Num. XIX:11-22, The water of separation and the use of it; a "statute," title XIX:21.
- Num. XX-XXI:35, The murmuring of Israel, the refusal of Edom to allow passage, the fiery serpents, and the overcoming of Arad and of Sihon.
- Num. XXII-XXIV:25, The narrative of Balak and Balaam which naturally introduces the narrative at the end of the wilderness pilgrimage and the laws which were given then.
- Num. XXV:1-18, Narrative of Midianitish whoredom and idolatry, and its punishment.
- Num. XXVI:1-65, The numbering of the people in the plain of Moab.
- Num. XXVII:1-11, The narrative of the case of the daughters of Zelophehad and the statute for their inheritance together with the list of laws relative to this subject; entitled with nice discrimination a "statute of judgment." For it was a matter "one with another" and so a "judgment," but it was a special case for which there was no "judgment" and the special law given to meet the case was not of things patently *mala in se*. It was rather a special regulation to mitigate hardship and the law was of things *mala prohibita*. Thus it is appropriately called "a statute of judgment."
- Num. XXVII:12-14, Narrative of the command to

- Moses to view the land from the mountain-top.
Num. XXVII:15-17, Moses' request for succession.
Num. XXVII:18-23, Narrative of the choosing of Joshua as Moses' successor.
- Num. XXVIII:1-15, Laws of offerings; "statutes."
Another illustration of the "line upon line" method used in the wilderness instruction. Moses was not primarily a writer upon law, but a lecturer upon law before a class, and the wilderness was his lecture-room. From time to time Moses instructed the people, ever changing in its personnel as the people shifted about between home and the care of the flocks and as new generations grew up. So Moses reiterates the laws most essential, and, in the Pentateuch, we have a report of these instructions from day to day. Probably in nearly every instance the expression, "And the Lord spake unto Moses," marks the lesson of a day, and the command was often supplemented by the words "Speak unto the people."
- Num. XXVII:16-XXIX:40, Feast Days and their offerings; "statute."
- Num. XXX:1-16, "Between a man and his wife, between a father and his daughter"; "statutes." These were laws concerning things "one with another," but they had none of the other characteristics of "judgments." They were special regulations and distinctly called "statutes," and properly so. The title is found in Num. XXX:16.
- Num. XXXI:1-20, Narrative of the Midianites spoiled and Balaam slain.
- Num. XXXI:21-24, Directions for purifying the spoil; "statute."

- Num. XXXI:25-54, Directions for the division of the spoil, "statute."
- Num. XXXII:1-42, Narrative of the settling of Reuben and Gad on the east of Jordan, and a narrative of the journeys thus completed.
- Num. XXXIII:1-49, A tabulated list of the journeys in the wilderness with brief mention of incidents by the way.
- Num. XXXIII:50-56, Instruction for the further progress until the full occupation of the land. If these be accounted laws, they are "statutes," being special directions and regulations. Such directions to be carried out but once, are seldom given the title "statutes," as already noticed.
- Num. XXXIV:1-13, The borders and bounds of the Land of Promise; of the nature of statutory directions.
- Num. XXXIV:14-29, Appointment of the persons who should represent the tribes in the division of the land. This narrative, like the preceding one, is of the nature of statutory directions, but without any title within the narrative.
- Num. XXXV:1-8, Assignment of the cities of the Levites, including the cities of refuge.
- Num. XXXV:9-34, Law of murder in various degrees; "judgments," so entitled explicitly, Num. XXXV:24. Also the title "statute of judgment" is applied especially to the law of cities of refuge, Num. XXXV:27-29, title 29.

The character of the law of the cities of refuge is, also, indicated by the expression "until he stand before the congregation in judgment." But being a special statute mitigating the law of homicide, it is called a "statute of

judgment." Here again is the most discriminating use of the words "statute" and "judgment." This law of the cities of refuge and the avenger of blood has to do with homicide and thus far is a "judgment," but it is, also, a special regulation to guard against mistakes and mitigate harshness in the "judgment" and so is, in this respect, statutory in character. Thus this law is called a "statute of judgment." It is inconceivable that this expression should ever have arisen at all, except that these words "judgment" and "statute" were technical terms. If only general terms without very specific meaning, the joining of them together thus would be unnecessary, and without definite significance, if, indeed, any significance at all. This use of them together shows that each had a very distinct shade of meaning that could be combined with the other to give also a discriminating sense.

Num. XXXV:30-34. These verses following the "statute of judgment" are, also, special regulations for the hedging about of "judgments" in the case of murder that the "judgment" did not result in harshness and cruelty, and so are "statutes of judgment," though without title. As often in other cases, these laws are conformed to the character of the laws in the list in which they are found.

Num. XXXVI:1-12, Narrative of a second petition concerning the inheritance of daughters, citing the case of the daughters of Zelophehad. No title is here found, but the character of the legislation is clearly statutory and, at the same

time, pertains to matters "one with another," and so is a "statute of judgment," though without title here. The previous legislation concerning inheritance of daughters was so denominated; Num. XXVII:11.

Num. XXXVI:13, Gives title to all the laws "which the Lord commanded by the hand of Moses unto the children of Israel in the plains of Moab by Jordan near Jericho," Num. XXII:1-XXXVI:13. The title here given is "commandments and judgments." Commandments, in the general sense, being employed to denote all the directions and instructions immediately given, and the "judgments," those "judgings" which were promulgated by God's authorization.

DEUTERONOMY

Deut. I:1-III:29. Deuteronomy begins with a narrative of the contents of the book, distinctly declaring it to contain the "words which Moses spake unto all Israel on this side of Jordan in the wilderness." This is followed by a description of the place, which is probably intended to denote the geographical boundaries of the "wilderness," though it is not now possible to locate all the points mentioned. Again, in the fifth verse, the expression "on this side Jordan," is clearly defined as "in the land of Moab," where began Moses to declare this law.

Next follows the various addresses of Moses, four in number, which make up nearly all of the book. The first address is a running narrative which introduces from time to time brief

lists of laws given at various times throughout the journeyings from Sinai onward, now recapitulated. Verses 6-8 recount the order to depart from Sinai.

Deut. I:9-17, A succinct narrative of the first appointment of judges and of the arrangement for appeals.

Deut. I:18, A summing up of the "judgments" in Ex. XXI:2-XXIII:19.

Deut. I:19-III:29, A narrative of the wilderness journeys to Kadesh Barnea and then of the wanderings all the way to the edge of the Promised Land.

Deut. IV:1-13, The introduction to the legal portion of the address. At the very outset, Moses announces the "statutes" and the "judgments," IV:1, and repeats the title at IV:5. In the second part of the introduction he makes particular mention of the Decalogue, giving a brief account of the events of its giving and denominates the covenant by the name "words" (Cf. Heb.) Deut. IV:13, elsewhere also equated with the word "commandments." In Deut. IV:2 the word "commandments" is used in its general sense to denote all the laws of God.

Deut. IV:14-24, Moses now takes up his address, and in doing so resumes the title given at IV:1, "statutes" and "judgments" given "before time," IV:14, which were recorded in Ex. XXIII:1-XL:38, and the whole book of Leviticus with the beginning of the journeys recorded in Numbers; all of which is distinctly said to have taken place "before that time."

Deut. IV:25-40, Moses proceeds with the account of

the laws, not giving them all in detail, but dwelling especially upon the "commandments," and then in verse 40 refers to what he has said by giving the title "statutes" and "commandments."

Deut. IV:41-49, Narrative of the closing part of the journeys and a summing up of the legislation in the words, Deut. IV:45, "these are the testimonies and the statutes and the judgments." This closes the first address. This title of the whole address uses "testimonies" for "commandments," as is done elsewhere, and already noticed in the discussion of the word "commandments" (p. 9).

Deut. V:1-XXVI:19, Presents the second address of Moses. It gives in the form of popular address, a presentation of the whole law. This gives to the book the character indicated by its name, Deuteronomy, the Second Law. This part of the book thus includes "commandments" and "statutes" and "judgments" with the occurrence of many titles adapted to the individual group of laws to which each is attached. Once the word "covenant" is used, Deut. V:1-2, referring to laws called the Book of the Covenant, Ex. XXIV:7, consisting of the Decalogue, a few "statutes" for general direction in worship, and especially the long list of "judgments"; in all, Ex. XX:1-XXIII:19. Sometimes two titles occur together, sometimes three, but always the various kinds of laws denoted in the title are found in the list of which it is the title. The title of all the laws is given in Deut. V:31, where "commandments" is added to the title at V:1,

making it "commandments and statutes and judgments." Again, in VI:1 and in VI:17, reference to the list of laws is made with "commandments and testimonies and statutes." This may seem an exception to the use of the technical terms, or it may be simply the use of the general terms "commandments" and "testimonies" with "statutes" as a technical term. At VI:20 the full title again occurs with "testimonies" used for "commandments" (p. 9). In VI:24, mention is made only of "statutes." This again might seem an exception. The case was this: the direction was given for a father "if thy son asketh thee in time to come, and say 'What mean the testimonies and the statutes and the judgments, which the Lord our God hath commanded you'," the Israelite should explain the matter to the boy. Now what would be in the mind of the boy most? manifestly what was constantly in his sight, the "statutes" of the ceremonial law; these were constantly visible, the "commandments" and the "judgments" only occasionally, when crime was punished. So the father was to say to his son "and the Lord commanded us to do all these statutes," the things that attracted the attention of the boy. Then he describes the remainder of the law in the expression, "And fear the Lord our God for our good always that he might preserve us alive, as it is this day." Then the father adds, "And it shall be our righteousness, if we observe to do all these commandments before the Lord our God, as he hath commanded us." He first mentioned the "stat-

utes" because they were in the sight of the boy and attracted his attention, then he described the other laws, but when he comes to speak of their "righteousness" he mentions the "commandments," the moral law of which the "judgments" were but enactment in detail, by the keeping of which, and not by the doing of the "statutes," did they acquire "righteousness."

Deut. VII:1-11, Another list of laws; the full three-fold title appears at VII:11, "commandments, statutes and judgments," to each of which classes of laws reference is made in this list.

Deut. VII:12-26, Another remarkable passage which contains a discriminating use of these technical words. While in VII:11, the full three-fold title is used of the whole law, in VII:12, which begins a passage recounting the ground of righteousness as in VI:25, "judgments" only are mentioned, as has already been pointed out in the discussion of the technical terms (p. 17 Cf. 84).

Deut. VIII:1-20, An exhortation to obedience to all the commandments of the Lord. The word "commandments" in its general sense occurs in verses 1, 2, 6, and the technical title "commandments, judgments and statutes," in reference to all the laws in detail, at verse 11.

Deut. IX:1-29, Narrative of Israel's rebellion and of the death of Aaron.

Deut. X:1-11, Narrative of the renewing of the tables of the law, some of the journeyings, and the separation of the Levites.

Deut. X:12-XI:31, Exhortation to obedience; title X:13, "commandments and statutes," where

- commandments is put for the fundamental law and the "judgments" which enforced it, and over against these is set the "statutes." The full title is given at XI:1 and manifestly refers to all the "commandments" and the "judgments" and the "statutes." "Commandments" in the general sense is used in XI:8, 13, 22, 27.
- Deut. XI:32-XXVI:16, Presents a list of "statutes and judgments." XI:32 gives the title, "statutes and judgments," and XII:1 announces "These are the statutes and the judgments, etc." Then follows the list of laws. The chapter division in our English Bibles unfortunately divided the title in the midst. The whole list in detail is as follows:
- Deut. XII:2-3, Destruction of places of worship of the nation; a "statute."
- Deut. XII:4-14, Law of the central sanctuary; a "statute."
- Deut. XII:15-16, Flesh with blood forbidden; a "statute."
- Deut. XII:17-18, Religious offerings and vows to be at the central place of worship; a "statute."
- Deut. XII:19, Care of the Levite; a "statute."
- Deut. XII:20-28, Eating of flesh at home, without the blood, but holy things and vows should be at the central place of worship; a "statute."
- Deut. XII:29-32, Prohibition to worship God after the manner of the heathen worship; a "statute."
- Deut. XIII:1-5, Law against false prophets; a "statute." "Commandments" in the general sense is used at Deut. XIII:4.
- Deut. XIII:6-11, Law against enticement to blasphemy; a "judgment."

- Deut. XIII:12-18, Apostasy of a city; a "judgment."
"Commandments" in the general sense at XIII:
18.
- Deut. XIV:1-2, Law against mutilation for the dead;
a "statute."
- Deut. XIV:3-8, Unclean beasts forbidden for food;
a "statute."
- Deut. XIV:9-10, Law of unclean things of the
water; a "statute."
- Deut. XIV:11-20, Law of clean and unclean flying
things; a "statute."
- Deut. XIV:21, Prohibition to seethe a kid in its
mother's milk; a "judgment" probably.
- Deut. XIV:22, Law of tithings; a "statute."
- Deut. XIV:23-26, Tithes and the first fruits to be
eaten in the central place of worship and its
value to be used at the same place, if the dis-
tance be too far to carry the offering there; a
"statute."
- Deut. XIV:27, The Levite not to be forsaken; a
"statute."
- Deut. XIV:28-29, Special use of tithes for the Levite
and the stranger, the fatherless and the widow;
a "statute."
- Deut. XV:1-18, The seventh year of release; a "stat-
ute": "commandment" used in the general sense
at XV:5.
- Deut. XV:19-23, The firstling male of the flock
holy unto the Lord; the sacrifice to be made at
the central place of worship; if blemished, to
be eaten at home, but without the blood; a
"statute."
- Deut. XVI:1-8, Law of the Passover; a "statute."
- Deut. XVI:9-12, The Feast of Weeks; a "statute";
title XVI:12.

- Deut. XVI:13-15, The Feast of Tabernacles; a "statute."
- Deut. XVI:16-17, Males required to appear before the Lord three times a year; a "statute."
- Deut. XVI:18-20, Appointment of judges and certain judgments against perversion of justice, partiality in judgment and bribery; "judgments."
- Deut. XVI:21-22, Law against idolatry; as idolatry was elsewhere punished by the courts with physical punishment, this would seem to be a "judgment." Cf. XVII:2.
- Deut. XVII:1, Blemished animals not to be sacrificed; a "statute."
- Deut. XVII:2-7, Law concerning idolatry; a "judgment."
- Deut. XVII:8-11, Establishment of an appellate court, a law of procedure, a "statute," though the sentences of the appellate court were called "judgments," and properly XVII:11. The word "judgment" occurs, also, at XVII:8-9.
- Deut. XVII:12-13, Concerning contumacy toward the court, contempt of court; a matter "one with another" when the "other" is the court. The law was administered also by the court; hence a "judgment."
- Deut. XVII:14-20, Directions for the king; "statutes"; entitled "statutes" XVII:19. The word "commandments," in the general sense is at XVII:20.
- Deut. XVIII:1-8, Portion of the Levites; a "statute."
- Deut. XVIII:9-14, Prohibition of child-sacrifice, enchanters, consultants of familiar spirits, wizards, necromancers; "judgments."

- Deut. XVIII:15-22, Narrative of the prophecy of a prophet like unto Moses.
- Deut. XIX:1-10, Law of cities of refuge, "statute of judgment," but without title here. (Cf. p. 59-60). "Commandments" in the general sense at XIX:9.
- Deut. XIX:11-13, Rejection and punishment of murderers who flee to the cities of refuge; a "judgment."
- Deut. XIX:14, Removal of landmarks, i.e., fraud; a "judgment."
- Deut. XIX:15, Condemnation not to be by one witness; a "statute" of law of legal procedure.
- Deut. XIX:16-21, Law against false witnessing; a "judgment."
- Deut. XX:1-20, Procedure in war, special regulations of matters "one with another," hence a "statute of judgment," but without title.
- Deut. XXI:1-9, Expiation of uncertain murder; a "statute."
- Deut. XXI:10-14, Mitigation of the condition of captives in war; a "statute of judgment."
- Deut. XXI:15-17, Mitigation of polygamy; a "statute of judgment."
- Deut. XXI:18-21, Contumacy in a son; a "statute of judgment."
- Deut. XXI:22-23, Early burial of a man hanged; a "statute of judgment."
- Deut. XXII:1-3, Restoration of things lost; a "judgment."
- Deut. XXII:4, Against cruelty; a "judgment."
- Deut. XXII:5, Masquerading as women or men; for the welfare of the state and against harm to the individual; a "judgment."

Deut. XXII:6-7, Game laws; "judgments."

Deut. XXII:8, Building laws; "judgments."

Deut. XXII:9, Horticultural laws; "judgments."

Deut. XXII:10, Against cruelty to animals; a "judgment."

Deut. XXII:11, Clothing regulations. It is impossible to know the purpose of these laws and so impossible to say whether they are "statutes" or "judgments." If health laws, they would be "judgments"; if ceremonial laws, they would be "statutes."

Deut. XXII:12, Law of fringes for vesture; a "statute."

Deut. XXII:13-21, Law against the slaying of a wife by her husband; a "judgment."

Deut. XXII:22, Law against adultery; a "judgment."

Deut. XXII:23-24, Against fornication with a betrothed woman; a "judgment."

Deut. XXII:25-29, Outrage of a virgin; a "judgment."

Deut. XXII:30, Incest; a "judgment."

Deut. XXIII:1-6, Class of persons forbidden sanctuary; a "statute," or "statute of judgment."

Deut. XXIII:7-8, Mention of persons not to be abhorred; a "statute," or a "statute of judgment."

Deut. XXIII:9, Against cruelty in war, a "judgment."

Deut. XXIII:10-11, Purification of personal uncleanness; a "statute."

Deut. XXIII:15-16, Sanctuary for run-away slaves, a mitigation of slavery; a "judgment" or "statute of judgment."

Deut. XXIII:17-18, Against whoredom and sodomy; "judgments."

- Deut. XXIII:19-20, Usury; a "judgment."
- Deut. XXIII:21-23, Blasphemy, and irreverence in breaking vows; a "judgment."
- Deut. XXIII:24-25, Public rights in private property in certain instances, the right of eminent domain; a "judgment."
- Deut. XXIV:1-4, Divorce; a "judgment."
- Deut. XXIV:5, Exemption from military service for the newly married; a "judgment," or a "statute of judgment" according to whether the law was a customary one or an unusual and special one only among Israelites.
- Deut. XXIV:6, Pledges for obligation; a "judgment."
- Deut. XXIV:7, Man-stealing; a "judgment."
- Deut. XXIV:8-9, A health law in leprosy; a "judgment," a "judgment" that enforces a "statute."
- Deut. XXIV:10-13, Pledges, especially of the poor; "judgments."
- Deut. XXIV:14-15, Oppression of servants; a "judgment."
- Deut. XXIV:16, One not to be put to death for another; a "judgment."
- Deut. XXIV:17-18, Perversion of judgment; a "judgment."
- Deut. XXIV:19-22, Poor laws; "judgments"; in modern life, laws of the Board of Charities.
- Deut. XXV:1-3, Laws of court-procedure in criminal cases; "statutes," perhaps "statutes of judgment."
- Deut. XXV:4, The purpose of this law is not now clear, but it was probably to prevent cruelty to animals; so a "judgment."
- Deut. XXV:5-10, Law of the redemption of a brother's right; a "judgment."

Deut. XXV:11-12, Unnatural cruelty; a "judgment."

Deut. XXV:13-16, Fraud; a "judgment."

Deut. XXV:17-19, Narrative of the judgment of Amalek.

Deut. XXVI:1-11, Law of First Fruits; a "statute."

Deut. XXVI:12-15, Law concerning the tithes; a "statute." The word "commandments" occurs in its general sense at XXVI:13.

Deut. XXVI:16, A repetition of the title of this long list of laws from XI:32 on to this point, "statutes and judgments."

Deut. XXVI:17-19, Conclusion of this second address with the full title of all the whole list from V:1 on to this point, "commandments, statutes and judgments."

Deut. XXVII:1-XXVIII:68, General directions for the erection of the pillar with the laws engraved on plaster, and the announcement of blessings for obedience and of curses for disobedience. There are thus "commandments" and "statutes" and the title is given in Deut. XXVII:1 and 10, XXVIII:15, and 45. "Commandments" in the general sense occurs, also, in XXVIII:1, 9, 13.

Deut. XXIX:1-XXX:14, Directions for making of the Covenant in the land of Moab relating to the laws which they had just been commanded to engrave on the plaster. The title, "Commandments" and "statutes" occurs at XXX:10, "commandments" in the general sense, also, occurs at XXX:8 and 11.

Deut. XXX:15-20, Moses concludes the legal part of his address, summing up all the blessedness of keeping the whole law "that thou mayest live and multiply, and the Lord thy God shall bless

thee in the land whither thou goest to possess it." The appropriate title here is, of course, the threefold title, "commandments" and "statutes" and "judgments," and it occurs at Deut. XXX:16.

Deut. XXXI:1-30, A narrative of the charge of Moses to Joshua and concerning the song of Moses of "this book of the Law." "Commandments" in the general sense occurs at XXXI:5.

Deut. XXXII:1-52, The Song of Moses.

Deut. XXXIII:1-29, The blessing which Moses pronounced upon the tribes before his death. "Judgments" probably in the technical sense occurs, XXXIII:10, also at XXXIII:21, but no list of "judgments" is given by which to test it.

Deut. XXXIV:1-12, The conclusion added to the book of Deuteronomy recording the death of Moses and the mourning for him, and the character of his successor, closing with a brief but glowing tribute to the worth of Moses.

After this complete analysis of the books of the Law from the first giving of the Law to the close of the wilderness wanderings, it will be important to enquire concerning the use of these technical terms in the portion of Exodus which precedes the giving of the Laws, to discover whether or not the use of these technical terms is found there. The question of the use of these technical terms in Genesis will be deferred until a later investigation. In Ex. XII recording the institution of the passover and referring to it, the law of that feast is always called a "statute," though, strange to say the A. V. translated it by another word, in XII:14, 17, 24, 43; XIII:10 and XVIII:20, by "ordinance" or "ordinances," in XII:49 by "law." The use of "stat-

utes" exactly accords with the title applied to the pass-over after the giving of the Law.

In only one other instance is this word "statute" used in Exodus before the giving of the Law. In Ex. XVIII:16, Moses tells Jethro "I judge between one and another and I do make them know the 'statutes' of God and his laws," i.e., he judged according to the "judgments" and made the people know the "statutes," which, again, is a very discriminating use of these technical terms.

Hoq, "statutes" is used in Ex. V:14 in the sense of "ways" or "directions" of a more general character (Cf. Heb.) and in Ex. XVI:28, "commandments" is used in the general sense.

Ex. XV:25-26, Narrative of events at Marah in which it is said, "There he made for them a 'statute' and an 'ordinance'." Here the A. V. has used "ordinance" for "judgment" (Heb. *mishpat*). This law in Ex. XV:26, is thus called both a "statute" and a "judgment" and properly so. It was a health law and had a punishment annexed to its violation, yet it was a special regulation and not a law concerning a matter *mala in se*.

Ex. XV:26 in the latter part of the verse uses both "commandments" and "statutes," but there is no indication given of the particular laws meant, none of them are stated. There is no reason to assume that the words were not accurately used.

These are all the occurrences of the use of these technical legal terms in the portion of Exodus preceding the giving of the Law. In all instances the words are accurately used.

LISTS OF LAWS WITH TECHNICAL TITLES

From the preceding complete analysis of all the books of the law noting the different kinds of laws and the related narratives, it is now possible to tabulate all the groups of laws with titles specifically mentioned. An examination of these lists and the exactness with which the titles, whether simple or complex, are used, will complete the evidence for the technical use of these law words, and, indeed, make the proof overwhelming that they are so used. It is impossible to go over these various groups in detail noting the accuracy and discrimination with which these titles are used and not recognize the technical character of these titles, "commandments," "judgments" and "statutes."

The groups of lists in order are as follows:

COMMANDMENTS

Ex. XX:1-17; title, XX:6.

Deut. XXVII:1-8; title 1.

JUDGMENTS

Ex. XV:25; title, 25.

Ex. XXI:1-XXIII:19, title, XXI:1.

Num. XXXI:9-26; title, 24, Cf. XXXV:12.

STATUTES

Ex. XII:14, 17, 24, 43; title in each verse.

Ex. XIII:10 with title.

Ex. XXVII:20-21; title, 21.

Ex. XXVIII:1-43; title, 43.

Ex. XXIX:1-46; title, 9 and 28.

Ex. XXX:17-21; title, 21.

Lev. III:1-17, title, 17.

- Lev. VI:14-23; title, 18 (Heb. 11).
 Lev. VII:28-34; title, 34.
 Lev. VII:35-36; title, 36.
 Lev. X:8-11; title, 9; Cf. also, 11.
 Lev. X:12-15; title, 15.
 Lev. XVI:24-34; title, 29 and 34.
 Lev. XVII:1-9; title, 7.
 Lev. XVII:19-28; title, 19.
 Lev. XXIII:1-44; title 14, 21 and 41.
 Lev. XXIV: 1-4; title, 3.
 Lev. XXIV:5-9; title, 9.
 Num. I-X; title, IX:12 and 14, and X:8.
 Num. XV:1-16; title, 1.
 Num. XVIII:4-19; title, 8, 11 and 19.
 Num. XVIII:20-32; title 23.
 Num. XIX:1-10; title, 2 and 10.
 Num. XIX:11-22; title, 21.
 Num. XXX:1-16; title, 16.
 Deut. XVII:14-30; title, 19.

JUDGMENTS AND STATUTES

- Lev. XVII:1-XIX:37; title XVIII:4-5 and 26;
 XIX:37.
 Lev. XX:1-XXII:33; title, Cf. XX:7-8; see note
 page 48.
 Deut. IV:1-49; title, 1, 5 and 14. Cf. IV:40 and 45.
 Deut. XI:32-XXVI:16; title, XI:32 and XII:1.

COMMANDMENTS, JUDGMENTS AND STATUTES

- Lev. XVII:1-XXVI:46; title, XXVI:46.
 Lev. XXVI:1-46; title, 3, 15 and 46.
 Deut. V-XXVI:19; title, V:31. Cf. V:1, VI:1, 17,
 24 note *in loc.* in detailed comment on Deut.

(p. 63-64). VI:25, VII:11, 12, note *in loc.* in detailed comment on Deut. (p. 65). VIII:11, X:13, note *in loc.* in detailed comment on Deut. p. 65-66). XI:1 XXVI:17. ,
Deut. XXX:15-20; title, XXX:16.

COMMANDMENTS AND STATUTES

Deut. XXVII:1-XXVIII:68; title, XXVII:10. Cf. 1, also, XXVIII:15 and 45.
Deut. XXIX:1-XXX:14; title, XXX:10.

STATUTES OF JUDGMENT

Lev. XXV:1-55; title, 18.
Num. XXVII:1-11; title, 11.
Num. XXXV:27-29; title, 29.

COMMANDMENTS AND JUDGMENTS

Num. XXII:1-XXXVI:13; title, XXXVI:13.

PECULIARITIES AND DIFFICULTIES

5. All the books containing the Law have now been examined in detail. Every instance of the use of these technical law terms, "Commandments," "statutes" and "judgments" has been considered and the discriminating use of these terms has been found to be everywhere maintained. Laws denominated "judgments" are found to be exclusively "judgments"; those denominated "commandments" are found to be "commandments"; and those denominated "statutes," to be "statutes." Groups of laws having complex titles have in them always the various kinds of laws indicated by those titles and no others. In places where parts of complex groups of laws have simple sub-titles, these sub-titles are, also, found to be used with accuracy for

those sub-groups. The technical character and use of these law terms is thus absolutely established. The terms "judgments" and "statutes" have very extended technical use. The term "commandments" has but a limited technical use, but is clear as to that limited use.

From the foregoing definite statements concerning the significance of these technical legal terms and the unvarying uniformity of the use of them in the Pentateuch it is not to be understood that there are no difficult cases, no instances of peculiar use of these words. The variety and subtlety of legal concepts make such difficulties a certainty. There are difficulties and there are instances of very peculiar use of these words. Every word of extended use in any language is sure to have some instances of peculiar use. Indeed, all language is but the embodiment of the struggle to express perfectly the ideas of the human mind. Considering the wide scope of the Pentateuchal legislation, and the great variety of subjects to which the laws relate, it could not be otherwise than that there should be some difficulties and peculiarities with which to deal in considering these technical terms. The wonder rather is that there are so few such difficulties and peculiarities. Most of the difficulties that are actually found are so easily resolved upon a moment's thought, that no further consideration need be given them than has already been given in the examination in detail of all the instances of the use of these technical terms. A few instances, however, of the peculiar use of these technical legal terms present such difficulties as to require, for entire satisfaction, some more extended consideration.

Almost the very first instance of the use of the word

"judgments" in its technical sense is one of the most difficult, and at the same time most illuminating, of all the instances of the use of this word. At Marah, there was a miracle wrought for the sweetening of the water, of which we have account in Ex. XV:23-26. The incident is made the occasion for legal enactment for the future guidance of the people. This enactment is called both a "statute" and a "judgment" (A. V. "ordinance," but Heb. *mishpat*, "judgment"). This seems, at first sight, a confusion of terms, and an exception to the uniformity of the technical use of these terms, "statutes" and "judgments." In reality it is not so: it is such a discriminating use of terms as tends to strengthen the case for the exact technical use of these words. The instructions concerning the sweetening of the waters were strictly "directions," "regulations," arbitrary enactments of the law-giver, not "judgments," i.e., decisions of judges, not a law concerning a matter "one with another," and not such a thing as would come under the jurisdiction of the courts, and so is properly called a "statute." But there is added to this a penalty for disobedience of the people in the future, and a promise of great reward for obedience, which at once give to the "statute" the general character, also, of a "judgment." While the far-reaching blessings of the promise and the execution of the penalty, belong exclusively to the supreme Judge, yet the determination of the disobedience might often rightly pass before the courts of the people. So this law is called also a "judgment."

There are also two laws which are called "statutes of judgment," and some other laws which are plainly of the same character, though without title expressed.

Num. XXVII:1-11 is entitled a "statute of judg-

ment"; Num. XXVII:11. This passage recounts the appeal on behalf of the daughters of Zelophehad for their inheritance and the law enacted to meet such cases. This law was a special regulation in a matter in which the courts provided no relief, a subject on which there was no law known among the people and so was distinctly a "statute." But this "statute" dealt entirely with a matter "one with another," a question of inheritance usually adjusted by the courts, and so was, also, of the nature of a "judgment." With nice discrimination in the use of technical terms it is called a "statute of judgment."

The law of the cities of refuge in Num. XXXV:9-34 is, also, called a "statute of judgment"; Num. XXXV:29. This law was certainly, in the first instance, a "statute." For, so far from being a decision of the judges, it was an arbitrary enactment of the law-making power making special provision for the mitigation of the common "judgment" concerning homicide. No judge of a court could recognize a city of refuge as having any place in criminal jurisdiction without a special "statute." This law was just such a special "statute." But at the same time it had to do altogether with a matter "one with another," between an individual and another individual, and, also, between an individual and the state; it was a matter wrong in itself, i.e. homicide; and so, with painstaking discrimination in the use of legal terms and in the exactness of their technical meaning, it was called a "statute of judgment." Here, again, examination of the use of this expression, instead of revealing any looseness in the use of the technical term, only serves to make more emphatic the discriminating use of words which had such definite technical meaning that such a circumlo-

cution of expression was necessary in order to be exact.

EXCEPTIONS

6. But are there no exceptions to the strictly accurate use of these law words as technical terms? I do not find any instances that seem to me to be real exceptions, certainly no such exceptions as militate against the truly technical character of these words. Where a word is used both as a technical term and as a general term of description, as are many words in modern languages, there are certain to be instances of the use of such words that present some degree of uncertainty. There are such instances in the use of these words in the Pentateuch. In lists of laws having titles, there are sometimes one or two laws the exact character of which it is difficult to determine. A few of the laws are not now understood. It is impossible to determine whether some of them were health laws or ceremonial laws. So that, altogether, there are some passages in which some degree of obscurity exists. Perhaps some who allow themselves great liberty, but insist upon mechanical exactness in all those who present conservative opinions, may demand that the case shall be cleared of obscurity at every point or the claim for technical terms relinquished. But those who insist that the Bible is "like any other literature" should at least allow that it is like other literature in this, that it is not mechanical, but human, with all the peculiarities necessary to meet the demands upon an imperfect medium of expression in order to give perfect expression to infinite variety of thought. In fact, rules of literature never do mark modes of expression into absolutely distinct provinces; there is a twilight zone in the application of every rule of expression in all human speech. Yet the rules have a real function

of their own; the twilight zones do not negative them. So, the instances and obscurities in the use of these technical terms do not constitute any exceptions that diminish the technical character of these words.

There are a few instances of the use of these words which seem, at first sight, to present much the aspects of real exceptions. Some may consider them to be such. It is not of great importance whether they be exceptions or not. It is not absolute uniformity in the use of these technical terms that is important, but prevailing uniformity. Prevailing technical use of these words will give such striking characteristics to different parts of the law as will be unaffected by a few exceptions. Exceptions would not be unreasonable or even surprising. Indeed, I was surprised not to find some very distinct exceptions in the course of the investigations. There are certainly technical terms in English and American law which are not infrequently used in a popular and non-technical way; this does not affect the technicality of the legal terms. Anyone would make himself ridiculous to set up the claim that they ceased to be technical terms by being used occasionally in a not very technical way, even in books of law.

Indeed, very brief examination of any dictionary of words will reveal a multitude of words in art, in architecture, in law, in nearly every branch of human activity, which have both a technical, and a popular and non-technical, meaning and use. So I do not think it important to maintain that there are absolutely no exceptions to the technical use of these law terms. It would not affect the results of the investigation, or the validity of the argument drawn from it in the least, if such exceptions existed. I simply record the fact that

I have not found any instances of the use of these technical terms which seem to me to be real exceptions. If some instances seem to others to be objections, there could be no object in combating such opinion.

There are a few instances of the use of these words which at first sight do certainly present the aspects of real exceptions. I will present the most important of them with my own view concerning them, and leave the decision of each case to the reader.

The long passage, Num. XX-XXXVI:13, with title, Num. XXXVI:13, might appear to be an exception in the use of the word "commandment." But when it is remembered that the word "commandment" is so frequently used as a general term to denote any kind of a law of God or special direction that he may give, and so is applicable alike to "commandments," "judgments" and "statutes" or to all considered together, it is certainly not straining a point to understand the term "commandment" in this instance as covering all the other laws coupled with the "judgments," for the "judgments," which were decisions of judges, were not so distinctly "commandments" of God, being for the most part only approved of God to be promulgated, whereas the "commandments" and the "statutes" were more explicitly enjoined of God.

In Deut. IV:5-6, it is said: "Behold I have taught you statutes and judgments, even as the Lord thy God commanded me, that ye should do so in the land whither ye go to possess it: keep, therefore, and do them: for this is your wisdom and your understanding in the sight of the nations, which shall hear all these statutes, and say, 'Surely this great nation is a wise and understanding people.'" A first reading of this passage might very easily leave the impression on the mind

that the writer in the latter part of the passage had abbreviated the expression, "statutes and judgments," used in the first part of the passage, to the word "statutes," and had used this word in a general descriptive way covering both kinds of laws. Here, also, it seems to me there is rather a nice discrimination in the use of these technical terms than any exception to their technical use. The "nations" would not wonder at the "judgments" of Israel, because those "judgments" were almost entirely "common law," well-known decisions of judges, for the most part readily recognizable upon common principles of justice and equity in accordance with the moral intuitions. Not so the "statutes"; those were regulations about unfamiliar things, or new and remarkable regulations about things which may have been already familiar before the "statute." It was the wonderful ceremonial system and the directions for the symbolical Tabernacle, embodying as they did Israel's religion, which distinguished this people above all others in the world. The Israelites were directed to keep both "judgments" and "statutes," but it was the keeping of these "statutes" about which the "nations" would express such amazement.

In Deut. VII:11-13 it is said: "Thou shalt therefore keep the commandments, and the statutes, and the judgments, which I command thee this day, to do them: wherefore it shall come to pass if ye hearken to these judgments, and keep, and do them, that the Lord thy God shall keep unto thee the covenant and the mercy which he sware unto thy fathers, etc." Here, again, a first hasty reading of the passage is almost certain to leave the impression on the mind that the word "judgments" is used in the latter part of the passage

as a term to denote all the three kinds of laws, "commandments," "statutes" and "judgments," mentioned in the former part of the passage. It may be so; but it does not seem to me to be so upon careful consideration of the sense of the whole paragraph. The Lord here gives the ground upon which he will keep his part of the covenant of works. But the covenant of works rested upon the doing of righteousness by those under the covenant: the doing of righteousness was formulated in the Commandments, but the practical embodiment of these for the obedience of the people was in the "judgments." The doing of righteousness was not at all in the keeping of the ritual regulations, "statutes"; "Obedience is better than sacrifice." God never said to the Israelites, "Follow the ceremonial regulations," "statutes," "and I will keep my covenant with you." So this instance of the use of the word "judgments" also seems to me, not only not an exceptional, but a discriminatingly exact, use of this technical term.

The results of this first investigation may now be tabulated below. There are three very distinct KINDS of laws in the Pentateuch. These laws of different KINDS are given in many different lists, a few long, and many very short. The lists of the various KINDS of laws are not always denominated, but are often so, and, where so denominated, certain titles "commandments," "judgments," "statutes," are used as technical legal terms denoting by their significance distinct, and clearly differentiated, classes of laws. These titles, wherever they occur are used with accuracy and nice discrimination; "judgments" and "statutes" with unvarying technicality. The word "commandments" has, also, a very extensive descriptive use in the lists of laws so that its technical use is not always immediately

manifest, but clearly appears upon careful examination. The connection between the lists of laws and the narrative portions is not always indicated, except by the position which a list occupies, but in many cases it is distinctly apparent and in some instances the particular incident which called forth the law or list of laws stands out distinctly.

It will now be in order to point out all the lists of these various KINDS of laws which have no title given within the list, but whose classification is clearly discernible now that the character of each kind of laws is exactly determined.

7. Lists of Laws without Title:

JUDGMENTS

Ex. XXIII:31-33.

Lev. XIX:5-10.

Lev. XIX:11-18.

Lev. XIX:29-36.

Lev. XXIV:10-22.

Deut. I:18. Cf. Ex. XXI:1-XXIII:19.

Deut. XXII:3-10.

Deut. XXII:12-30.

Deut. XXIII:4.

STATUTES

Ex. XX:24-26.

Ex. XXV:1-XXVII:19.

Ex. XXX:1-16.

Ex. XXX:22-38.

Ex. XXXIV:18-26.

Lev. I:3-17.

Lev. II:1-3.

Lev. II:4-16.

Lev. IV:1-12.
 Lev. IV:13-21.
 Lev. IV:22-26.
 Lev. IV:27-35.
 Lev. V:1-19.
 Lev. VI:1-15.
 Lev. VI:24-30.
 Lev. VII:1-27.
 Lev. XII:1-8.
 Lev. XIII:1-46.
 Lev. XIII:47-59.
 Lev. XIV:1-32.
 Lev. XIV:33-57.
 Lev. XV:1-33.
 Lev. XVI:1-28.
 Lev. XVII:10-16.
 Num. XV:17-XVIII:7.
 Num. XXVII:15-XXIX:40.
 Num. XXXI:21-54.
 Deut. XXIII:1-8.
 Deut. XXIII:10-14.
 Deut. XXVI:1-15.

STATUTES OF JUDGMENT

Num. XXXV:30-34.
 Num. XXXVI:1-12. Cf. XXVII:11.
 Deut. XX:1-20.
 Deut. XXI:10-23.
 Deut. XXIII:15-16.

STATUTES AND JUDGMENT

Ex. XXXIV:18-20.

8. Complete, classified catalogue of lists of Laws with or without titles:

COMMANDMENTS

Ex. XX:1-17; title, XX:17.

Deut. XXVII:1-8; title, XXVII:1.

COMMANDMENTS AND STATUTES

Deut. XXVII : 1 XXVIII : 68; title, XXVII : 10,
XXVIII:15 and 45.

Deut. XXIX:1-XXX:14; title, XXX:10.

JUDGMENTS

Ex. XV:25; title, 25.

Ex. XXI:1-XXIII:19; title, XXI:1.

Ex. XXIII:31-33.

Lev. XIX:5-10.

Lev. XIX:11-18.

Lev. XIX:29-36.

Lev. XXIV:10-22.

Num. XXXV:9-24; title, XXXV:24. Cf. XXXV:12.

Deut. I:18, summing up Ex. XXI:1-XXIII:19.

Deut. XXII:3-10.

Deut. XXII:12-30.

Deut. XXIII:9.

Deut. XXIII:17-XXV:19.

STATUTES

Ex. XII:14, 17, 24 and 43.

Ex. XIII:10.

Ex. XV:25-26.

Ex. XVIII:16 and 20.

Ex. XX:24-26.

Ex. XXV:1-XXVII:19. Directions for procedure,
unmistakably "statutes."

Ex. XXVII:20-21; title, XXVII:21.

- Ex. XXVIII:1-43; title, XXVIII:43.
Ex. XXIX:1-46; title, XXIX:9 and 28.
Ex. XXX:1-16.
Ex. XXX:22-38.
Ex. XXX:1-38; title, XXX:21. The remainder of the laws in this list are clearly of the same character.
Ex. XXX:17-21; title, XXX:21.
Lev. I:3-17.
Lev. II:1-3.
Lev. II:4-16.
Lev. III:1-17; title, III:17.
Lev. IV:1-12.
Lev. IV:13-21.
Lev. IV:22-26.
Lev. IV:27-35.
Lev. V:1-19.
Lev. VI:1-13.
Lev. VI:14-23; title, VI:18 (Heb. 11).
Lev. VI:24-30.
Lev. VII:1-27.
Lev. VII:28-34; title, VII:34.
Lev. VII:35-36; title, VII:36.
Lev. X:8-11; title, X:9, also 11, but this last without list of laws.
Lev. X:12-15; title, X:15.
Lev. XII:1-8.
Lev. XIII:1-46.
Lev. XIII:47-59.
Lev. XIV:1-32.
Lev. XIV:33-57.
Lev. XV:1-35.
Lev. XVI:1-28.
Lev. XVI:29-34; title, XVI:29 and 34.

- Lev. XVII:1-9; title, XVII:7.
 Lev. XVII:10-16.
 Lev. XIX:19-28; title, XIX:18.
 Lev. XXIII:1-44; title, XXIII:14, 21 and 41.
 Lev. XXIV:1-4; title, XXIV:3.
 Lev. XXIV:5-9; title, XXIV:9.
 Num. I-X:36 title to some of the lists IX:12 and 14,
 X:8. The other lists are plainly of the same
 character.
 Num. XV:1-31; title, XV:15.
 Num. XVIII:8-19; title, XVIII:8, 11 and 19.
 Num. XVIII:20-32; title, XVIII:23.
 Num. XIX:1-10; title, XIX:2 and 10.
 Num. XIX:11-22; title, XIX:21.
 Num. XXVII:15-XXIX:40.
 Num. XXX:1-16; title, XXX:16.
 Num. XXXI:21-54.
 Num. XXXIV:1-17. Statutory directions, but with-
 out title in this passage.
 Num. XXXV:1-8.
 Deut. XVII:14-20; title, XVII:19.
 Deut. XXIII:1-8.
 Deut. XXIII:10-14.
 Deut. XXVI:1-15.

STATUTES AND JUDGMENTS

- Ex. XXXIV:18-26; 18 "judgment," 19-20 "stat-
 utes," 21 "judgment," 22-26 "statutes."
 Lev. XVIII:1-30; title, XVIII:4-5 and 26; 1-17
 "statutes," 18-26 "judgments," 27-30 narrative.
 Lev. XIX:1-37; title, XIX:36, with the sub-title,
 "statutes," XIX:19, for a list of "statutes" oc-
 curring within this list of "judgments" and
 "statutes": 1-4 "judgments," 5-10 "statutes,"

- 11-18 "judgments," 19-28 "statutes" (20 a "statute of judgment"), 29-36 "judgments."
- Lev. XX:1-27; title, XX:22; 1-8 "statutes," 9-16 "judgments," 17-26 "statutes," 27 "judgment."
- Cf. note p. 49.
- Lev. XXI:1-XXV:55; title, XXV:18; with the sub-title "statutes" for a brief list of "statutes," Lev. XXIV:1-4; XXI-XXIV:16 "statutes," XXIV:17-23 "judgments," XXV:1-35 "statutes," XXV:36-55 "judgments."
- Lev. XXVI:1-46; title, XXVI:3 and 15; XXVI:1-2 "judgments," XXVI:3-46 "statutes."
- Deut. IV:1-24; title, IV:14. Cf. IV:1, 4-5, 40 and 45.

COMMANDMENTS, STATUTES AND JUDGMENTS

- Lev. XVII:1-XXVI:46; title, XXVI:46.
- Lev. XXVI:1-46; title, 3, 15 and 46.
- Deut. V:1-XXVI:19; title, V:1-2, V:31, VI:1, VI:17. Cf. VI:20, 24 and note in detailed comment (p. 64), VI:25, VII:11, Cf. VII:12, note in comment (p. 65), VIII:11, XI:1. Cf. X:13 and note in comment (p. 65-66), and XXVI:17.
- Deut. XXX:15-20; title, XXX:16.

COMMANDMENTS AND JUDGMENTS

- Num. XXII:1-XXXVI:13; title, XXXVI:13, including some sub-titles, also Cf. detailed comment (p. 57-61).

COMMANDMENTS AND STATUTES

- Deut. IV:25-40; title, IV:40.
- Deut. XXVII:1-XXVIII:68; title, XXVII:10, Cf.

XXVII:1 and XXVIII:15 and 45.

Deut. XXIX:1-XXX:14; title, XXX:10.

STATUTES OF JUDGMENT

Lev. XXV:1-55; title, XXV:18.

Num. XXVII:1-11; title, XXVII:11.

Num. XXXV:25-29; title, XXXV:29.

Num. XXXV:30-34.

Num. XXXVI:1-12, Cf. XXVII:11.

Deut. XX:1-20.

Deut. XXI:10-23.

Deut. XXIII:15-16.

STATUTES, JUDGMENTS AND LAWS

Lev. XVII:2-XXVI:46; title, XXVI:46 (perhaps
Lev. I-XXVI:46).

CHAPTER II

SECOND INVESTIGATION

DIFFERENT LITERARY FORMS FOR DIFFERENT USES OF THE VARIOUS KINDS OF LAWS DISCOVERED

A second subject for investigation arises at once, when the various KINDS of laws have been noted and all the lists of each kind collected together: this second investigation concerns the LITERARY FORM in which these different KINDS of laws are cast. Are all the KINDS of laws expressed in the same manner? or does each KIND of laws appear in a different LITERARY FORM?

This literary enquiry from the standpoint of the various KINDS of laws has already been the subject of investigation by another; and in part, observed, or, at least, suggested as a fruitful source of study, by many others. In 1904, Harold M. Wiener, Esq., of London, published a small volume of "Studies in Biblical Law" in which are brought to light some facts bearing upon the different LITERARY FORMS in which various KINDS of laws were expressed in the Pentateuch. In April, 1907, the same author published in the Princeton Review an article in which three distinct LITERARY FORMS in the expression of laws in the Pentateuch were pointed out. The same facts and opinions were republished by Mr. Wiener in his volume of "Pentateuchal Studies," 1912, pp. 170-194.

I acknowledge my indebtedness to Mr. Wiener for the fundamental facts which he brought out so clearly,

and, in part, for the nomenclature which I have adopted in the investigation now to follow. For the use which I make of the facts and for the conclusions reached, I am myself wholly responsible.

The following LITERARY FORMS are easily and clearly distinguishable in the groups of "commandments," "judgments" and "statutes" which were discovered in the preceding investigations:

I. MNEMONIC

1. Portions of the laws in the Pentateuch are expressed in a very brief, terse manner. The sentences are composed almost entirely of verbs and nouns with only the addition of the necessary enclitics; rarely is a descriptive word or phrase introduced. There very rarely appear either adjectives or adverbs. Thus no explanations or characterizations are given. These are the usual literary characteristics of the statement of things long familiar to both writer and reader, and of the discussion of subjects which are precisely delimited. These characteristics are equally observable in most of the laws of the Code of Khammurabi, which is universally regarded, not as an enactment of laws, but as the codification and promulgation, with a new authority, of laws which were the result of a long period of the decisions of judges. The Ten Commandments, with the exception of those for which the people needed special exhortation, the second and the fourth Commandments, are distinctly in this literary form. The "judgments," also, generally, with some few distinct exceptions which will presently be fully noted, manifest these same characteristics.

A poetic tendency is, also, frequently to be observed in this Mnemonic LITERARY FORM in certain of the

Pentateuchal laws; indeed, it can scarcely be ignored. There is to be found a balancing of clauses similar to the parallelism of Hebrew Poetry. Something of a rhythmic character is given to a law so expressed.

2. All these characteristics will best be brought to our notice by observing a number of examples. They are so strikingly distinct, that they oftentimes appear almost as clearly in the English as in the Hebrew. The "Commandments" are so familiar that it is unnecessary to print them here. Two of the first four Commandments, i.e. of the first table of the law, present such fundamental principles of morals as needed, in that age, special emphasis: the Second concerning the use of adolatrours images and the Fourth concerning the Sabbath and its relation to the remainder of the week, i.e. concerning secular work for six days of the week and Sabbath rest for the Seventh day. Accordingly, these two Commandments are long and very explicit in their enunciation of all the details involved in the Commandment, exactly as was true of the unfamiliar laws among the "judgments," e.g. new legislation in matters "one with another." The other six Commandments are expressed in exceedingly brief, terse manner. It is believed by some that the Commandments were, for the most part, at least, originally expressed in a single Hebrew word, hence the title sometimes given the Ten Commandments, the Ten Words.

Some citations from the "judgments" will serve to illustrate the various LITERARY FORMS and, also, the peculiarities already mentioned. Note first, as illustration, two passages of Hebrew poetry:

Prov. XX:10-14:

"Divers weights and divers measures,

Both of them alike are an abomination to the Lord.

Even a child maketh himself known by his doings,
Whether his work be pure and whether it be right.

The hearing ear and the seeing eye,
The Lord hath made even both of them.

Love not sleep lest thou come to poverty:
Open thine eyes, *and* thou shalt be satisfied with bread.

It is naught, it is naught, saith the buyer:
But when he is gone his way, then he boasteth."

Job. XIII:9-15:

"Is it good that he should search you out?
Or as one deceiveth a man, will ye deceive him?

He will surely reprove you,
If you do secretly respect persons.

Shall not his excellency make you afraid?
And his dread fall upon you?

Your memorable sayings *are* proverbs of ashes,
Your defenses *are* defenses of clay.

Hold your peace, let me alone that I may speak,
And let come on me what will.

Wherefore should I take my flesh in my teeth?
And put my life in mine hand?

Though he slay me, yet will I wait for him.
Nevertheless, I will maintain my ways before
him."

With this poetry now compare in style some passages from the "Judgments" in the Pentateuch:

Ex. XXI:12-17:

"He that smiteth a man, so that he die,
Shall be surely put to death.

And if a man lie not in wait, but God deliver him
unto his hand,
Then I will appoint thee a place whither he shall
flee.

But if a man come presumptuously upon his
neighbor to slay him with guile;
Thou shalt take him from mine altar, that he
may die.

And he that smiteth his father, or his mother,
Shall be surely put to death.

And he that stealeth a man, and selleth him, or
if he be found in his hand,
He shall surely be put to death.

And he that curseth his father, or his mother,
Shall surely be put to death."

Lev. XXIV:17-21:

“And he that killeth any man,
Shall surely be put to death.

And he that killeth a beast,
Shall make it good: beast for beast.

And if a man cause a blemish in his neighbor:
As he hath done, so shall it be done to him.

Breach for breach, eye for eye, tooth for tooth:
As he hath caused a blemish in a man, so shall
it be done to him again.

And he that killeth a beast, he shall restore it:
And he that killeth a man, he shall be put to
death.”

The rhythmic character of these “judgments” closely approaching the rhythm of poetry, is apparent on the most casual reading. The sententiousness of the laws is equally apparent. The lack of descriptive words is seen upon a very little examination. In Ex. XXI:12-17, there is not an adjective in the whole passage nor is there an adverb, except enclitics sometimes called model adverbs; of the descriptive adverbs, not one. The adverbs, “sure” and “surely” and “presumptuously” which appear in the English are not in the Hebrew explicitly, but are implied in the Hebrew verbs, or by a repetition of the verb. In the second passage, Lev. XXIV:17-21, there is practically the same utter absence of descriptive words. There is not a single adjective, and no adverbs except the correlative adverb *ken*, “so,” answering to the relative *ka’sher* “according as.”

Not every list of "judgments" affords such perfect illustration of the distinguishing characteristics of the style of the "judgments." But the same characteristics are to be found in some measure in nearly every "judgment," *particularly the more common "judgments."*

Another passage will illustrate a somewhat different manifestation of these characteristics:

Num. XXV:17-21:

"And if he smite him with throwing a stone,
wherewith he may die, and he die, he is a
murderer:

The murderer shall surely be put to death.

The revenger of blood himself shall slay the
murderer:

When he meeteth him, he shall slay him.

But if he thrust him of hatred, or hurl at him by
laying of wait, that he die;

Or in enmity smite him with his hand that he
die;

He that smote him shall surely be put to death;
for he is a murderer:

The revenger of blood shall slay the murderer,
when he meeteth him."

In this passage the rhythmic character is not so marked, yet it is far from the ordinary prose form, and description is almost as absolutely wanting as in the other passages quoted. There are no adjectives and no adverbs.

Some "judgments," as already intimated, are less sententious and more descriptive. Especially is this true of the less known "judgments," i.e. "judgments"

concerning less common and familiar matters. The law of usury which made special restrictions in the loaning of money in the wilderness, where loans would be wholly for the relief of poverty, and for the promised land into which it was then expected that they would at once enter, where each man would have his own piece of land in severalty, and there would be little or no opportunity, or, at least urgent occasion, for commercial loans, but only for the relief of the poor. Such usury laws were special laws of "matters one with another," not familiar and well understood laws, and naturally they are found to be less sententious and more descriptive.

Ex. XXII:25-27 (Heb. XXII:24-26): "If thou lend money to any of my people that is poor by thee, thou shalt not be to him as an usurer, neither shalt thou lay upon him usury. If thou at all take thy neighbor's raiment to pledge, thou shalt deliver it to him by that the sun goeth down: for that is his covering only, it is his raiment for his skin: wherein shall he sleep? and it shall come to pass when he crieth unto me, that I will hear; for I am gracious."

Not only are these laws for the mitigation of hardships which were common among the people less sententious, but there are, also descriptive words introduced, adjectives, as "poor" and "gracious."

Some descriptive characteristics are to be seen in the law to mitigate slavery, Ex. XXI:1-6; and especially in the "statutes of judgment." These were necessarily new legislation, being "statutes," i.e. special legislative directions to mitigate the harshness of well known "judgments," or special legislation to provide for cases not met by known "judgments." Such was the law concerning the inheritance of Zelophehad's

daughters, Num. XXVII:1-11. Cf. also, the special legislation concerning the Cities of Refuge, a "statute of judgment," Num. XXXV:1-34. This peculiarity of the less familiar legislation is still more especially marked by the contrast afforded by the appearance in this account of the Cities of Refuge of some common "judgments" on murder which are sententious, in sharp contrast with the descriptive character of the special legislation concerning the Cities of Refuge. Verses 26-31 of the account of the Cities of Refuge will illustrate this contrast:

"But if the slayer shall at any time come without the border of his city of refuge, whither he was fled; and the revenger of blood find him without the borders of the city of his refuge, and the revenger of blood kill the slayer: he shall not be guilty of blood: because he should have remained in the city of his refuge until the death of the high priest: but after the death of the high priest the slayer shall return unto the land of his possession. So these *things* shall be for a statute of judgment unto you throughout your generations in all your dwellings.

Whoso killeth any person the murderer shall be put to death, by the mouth of witnesses:

But one witness shall not testify against any person to cause him to die.

Moreover ye shall take no satisfaction for the life of a murderer which is guilty of death:

He shall be surely put to death."

Two things suggest the name "mnemonic" for this class of laws just considered, most of which appear in this sententious LITERARY FORM. In the first place, the character and use of the laws suggest it and lead us to suspect that they would be in a form suitable for

memorizing. Everybody in Israel needed to memorize the Ten Commandments. What child of parents holding to the Bible anywhere in the world, at any time in the history of the world, has not been taught to memorize these Commandments? The "judgments," also, needed to be memorized by the judges appointed in Israel, just as a modern magistrate, especially in the great centers of population, needs to be very familiar with certain common laws in order to hear ordinary causes of men, "one with another," and render a decision at once without adjourning the case for deliberation, or even turning to refer to written laws.

These "judgments" being for the most part "judgments," decisions of judges, undoubtedly existed as common law and passed from mouth to mouth, perhaps for centuries, before they were written down at all and most probably, for Israel, never written down until the authoritative selection of them was made by Moses under the direction of the Lord and they were promulgated as a divinely authorized Code in the Pentateuch. Such laws handed down in this fashion and constantly used in decisions of magistrates would naturally tend toward sententiousness and rhythm. We ought to expect to find them in exactly this form suitable for memorizing. Indeed, is it not universally true, that whatever is handed down orally for a long time tends always toward a poetic form, a kind of minstrelsy. Witness the great store of folk-lore of Europe, especially that of Medieval Europe, which gave birth to the minstrelsy of the troubadours. The same tendency even more strongly marked may be noted in the romantic tales of the eastern desert, and may even be heard, as I have heard it, in the half-poetic descanting of the Mohammedan annotator on the Koran. The nursery

rhymes of our childhood have come into their present familiar form in the same way. If it seem that such serious and dignified persons as judges would never descend to such literary methods in law, we have only to call to mind the poetic form of the Roman Twelve Tables to have before us an exact parallel to the sententious and rhythmic style of the "judgments" in the Books of the Law.

Again, the designation of this class of laws, found in such LITERARY FORM, as "mnemonic" is justified fully by the literary form itself, with its tendency toward poetry. The name is exactly appropriate to the form which the use of these laws has given them. It has long been a custom to arrange geographical facts, grammatical facts, and even mathematical facts in this form for use in primary schools, and wherever such forms are found it is at once apparent that they were intended for convenience in memorizing. Such was the manifest intent of the horn tables of Medieval times, and the geographical rhymes by which many still living learned the political divisions of the modern world. Perhaps it is because these rhymes have been laid aside that the present generation is so lamentably deficient in the knowledge of political Geography. So why should any one write laws in poetry or in anything approaching poetic form, except for convenience in memorizing? Thus this whole class of laws may be appropriately called "mnemonic," though there be a few exceptions in the case of legislation on unfamiliar subjects, or new legislation on familiar subjects. Had not this new legislation been at once written down it would doubtless, also, by the attrition of time and oral teaching, have been worn down into the mnemonic form.

II. DESCRIPTIVE

1. If "judgments" were common law, usually about familiar things, and so properly expressed tersely and with few or no descriptive words or phrases, then we would certainly expect laws about unfamiliar things not to be so expressed, but to need many descriptive words and phrases, and so to be written in a DESCRIPTIVE style. Without such explanatory words and phrases, laws about unfamiliar things would not be intelligible to the people.

Now, there were just such unfamiliar subjects of legislation among the laws of the Pentateuch. Such, for example, were, in some respects, if not in all respects, most of the laws of the Ceremonial system. One of the fundamental principles of modern literary criticism is that great systems of laws are a growth. This is a sound principle which, moreover, does not militate against the doctrine of a divine objective revelation, as some critics believe and wish, and other critics believe and fear; for there might be added to this fundamental principle another still more fundamental, one founded in the very nature of God, that God could not have created or revealed anything already known and at hand. Nor can we think of God doing such a thing, if it were possible: Divinity *never wastes anything*. Christ revealed the significance of the Supper, but he used the bread and the wine ready at hand, as the Governor of the universe "set" or established the symbolical covenant significance of the bow in the cloud, but he used the rainbow already potentially existing at all times in the laws of the universe governing the refraction of light. And the Creator at the beginning "created man a living soul" and breathed into him the "breath of life," but used

the "dust of the earth," the natural material elements, for his body. So while he breathed into the Ceremonial System the "breath of life," when he gave such directions about its employment at Sinai as made it a symbolical vehicle of the revelation of a Redeemer to come, he used *ritual* which was itself the growth of centuries, or millenniums. (Cf. International Standard Bible Encyclopaedia 26-38).

Professor Langdon sitting in his study in the museum of the University of Pennsylvania said to me in an interview for the Sunday School Times, as he swept his hand around the shelves which lined the walls, "These tablets from the Nippur Library are filled with the ritual and theology of the Ancient Sumerians." Professor Langdon sets forth as the result of his examination of a large portion of these tablets this startling discovery that the Sumerians had all the ritual that has ever been known in the world from that day to this. This ritual is all in these Sumerian tablets. Whether the Sumerians developed this ritual themselves or in turn received it from the people who went before them does not appear. It is certain that the Egyptians, from among whom the Israelites had just come, had a very elaborate ritual long after the Sumerian days; offerings, vestments, libations, incense, "fine twined linen," jeweled breastplates, choirs of singers, platoons of attendants such as were the Levites, sprinklings and genuflections, overshadowing wings, and veiled faces, every act and all the materials that go to make up the forms of the ceremonial service. And, if the Egyptians had not had these things, the ancestors of the Israelites came from Babylonia from under the very shadows of the close of the glorious Sumerian era and they were thus

lineal heirs of the Sumerian ritual customs. For did not the fathers serve the gods "beyond the flood"? But not all these things together constitute that Ceremonial Service or supply the "breath of life" which the revelation at Sinai breathed into them. Moreover, these forms of Egypt and of Babylonia were charged with idolatrous meaning utterly repugnant and impossible. These forms of things had grown up through millenniums; they were at hand. Speaking reverently, God *could not reveal* to the Israelites these things that were already known to them. At least, Aaron, as a priest, could not but be familiar with them and the masses of the people have a common knowledge of them. These forms were familiar; the heathen significance was stripped away from them in the description given of them and then use was made of them to reveal a new meaning so unfamiliar as would require most careful explanatory statements, that all unworthy significance should be eliminated and the divinely intended significance imparted. The Mosaic sacrifices and those of Egypt look as like to each other superficially as things may be expected to look, and are just as unlike in meaning as ceremonies can be expected to mean. (Cf. Egyptian Sacrifices, *Recueil de Travaux* XXXI, XXVII, Kyle; *Ritual Du Soleil*, Naville; also *Moses and the Monuments*, Chap. VI, Kyle).

What has just been said of the Ceremonial System is equally true, in principle, of the directions for the erection of the Tabernacle in the Wilderness. The fact that the Tabernacle was, in the main, of Egyptian architecture, based upon the unvarying three-fold division of Egyptian houses, the court, the public room and the private apartment, characterizing all Egyptian houses of every kind from the humblest home of the

peasant to the palace of the king, the tombs of the dead, and the temples of the gods (Cf. *L'Architecture Egyptienne*, Maspero, pp. 5-87. Also, *Moses and the Monuments, Light from Archaeology on Pentateuchal Times*, Kyle, Chap. IV), and that the furniture of the Tabernacle was in Egyptian style and, in most respects according to Egyptian customs (*Moses and the Monuments, Light from Archaeology on Pentateuchal Times*, Kyle, Chap. IV), but without idolatrous significance . . . all this does not seriously alter the unfamiliar character of what was to be *written about these things in the Pentateuch* to make sure that the people would "make all the things according to the pattern showed in the mount." That these forms of material things which were the growth of centuries or of millenniums should convey to the world entirely new truth would require much descriptive writing. So we should naturally expect all the "statutes" concerning these things to be descriptive in style.

This expectation is not disappointed; the expected actually occurs. This descriptive style is recognized by every literary critic of the Modern School. It is now pointed out as one of the marks of the principal "documents" which is said to have contributed to the Pentateuch. Of these Ceremonial Laws and the directions concerning the Tabernacle Kautzsch (*Literature of the Pentateuch*, p. 108), says of the Documents to which he assigns these laws about unfamiliar things, "One of the most notable signs (of the Documents) is the style with its unflinching breadth, in its fondness for exhaustive details and 'juristic formulating' and even for pure schematism."

It would be useless to transliterate the Hebrew of any specimen passages of these lists for the convenience

of the reader, for this descriptive character of the style is quite as apparent in a translation as in the original, and if possible, more apparent than is the terse mnemonic character of the style of the "judgments" and "commandments." All this will be at once observed in the examination of the following examples:

2. Ex. XXV:31-36: "And thou shalt make a candlestick of pure gold: of beaten work shall the candlestick be made: his shaft, and his branches, his bowls, his knops, and his flowers, shall be the same. And six branches shall come out of the sides of it: three branches of the candlestick out of the one side, and three branches of the candlestick out of the other side: three bowls made like unto almonds, with a knop and a flower in one branch: and three bowls made like almonds in the other branch, with a knop and a flower: so in the six branches that come out of the candlestick. And in the candlestick shall be four bowls made like unto almonds, *with* their knops and their flowers and *there shall be* a knop under two branches of the same, and a knop under two branches of the same, according to the six branches that proceed out of the candlestick. Their knops and their branches shall be of the same: all it *shall be* one beaten work of pure gold."

Descriptive adjectives are not very numerous in this passage, but descriptive phrases are piled up until they seem to topple over and run down on every side.

Ex. XXVIII:6-12: "And they shall make an ephod of gold, and blue, and of purple, of scarlet, and fine twined linen, with cunning work. It shall have the two shoulder pieces thereof joined at the edges thereof: and it shall be joined together. And the curious girdle

of the ephod, which is upon it, shall be of the same, according to the work thereof: even of gold, of blue, and purple, and scarlet, and fine twined linen. And thou shalt take two onyx stones, and grave on them the names of the children of Israel: six of their names on one stone, and the other six names of the rest on the other stone, according to their birth. With the work of an engraver in stone, *like* the engravings of a signet, shalt thou engrave the two stones with the names of the children of Israel: thou shalt make them to be set in ouches of gold. And thou shalt put the two stones upon the shoulders of the ephod for stones of memorial unto the children of Israel: and Aaron shall bear their names upon his two shoulders for a memorial."

These directions for the making of the ephod show the same descriptive method in a very striking way. So, also, do the orders for the numbering of the children of Israel in

Ex. XXX:11-16: "And the Lord spake unto Moses, saying, When thou takest the sum of the children of Israel after their number, then shall they give every man a ransom for his soul unto the Lord, when thou numberest them: that there be no plague among them, when thou numberest them. This they shall give, every one that passeth among them that are numbered, half a shekel after the shekel of the sanctuary (a shekel is twenty gerahs): an half shekel shall be the offering of the Lord. Every one that passeth among them that are numbered, from twenty years old and above, shall give an offering unto the Lord. The rich shall not give more, and the poor shall not give less than half a shekel, when they give an offering unto the Lord, to make an atonement for your souls. And thou shalt take the atonement money of the children of Israel, and shall

appoint it for the service of the Tabernacle of the congregation; that it may be a memorial unto the children of Israel before the Lord, to make an atonement for your souls."

Lev. XIII:28-52, the ceremonial law of hygiene enjoined for the detection and treatment of leprosy, or the resolving of a suspicion of it in doubtful cases, shows not only the same use of descriptive phrases, but, also a very copious use of adjectives, as the quoting of a few verses will serve to illustrate:

Verses 29-37: "If a man or a woman have a plague on the head or the beard; then the priest shall see the plague: and, behold, if it be in sight deeper than the skin; and there be in it a yellow thin hair: then the priest shall pronounce him unclean: it is a dry scall, even a leprosy upon the head or beard. And if the priest look on the plague of the scall and, behold, it be not in sight deeper than the skin, and that there is no black hair in it: then the priest shall shut up him that hath the plague of the scall seven days: and in the seventh day the priest shall look on the plague: and, behold, if the scall spread not, and there be in it no yellow hair, and the scall be not in sight deeper than the skin: he shall be shaven, but the scall shall he not shave and the priest shall shut him up that hath the scall seven days more: and in the seventh day the priest shall look on the scall: and, behold, if the scall be not spread in the skin, nor be in sight deeper than the skin: then the priest shall pronounce him clean: and he shall wash his clothes and be clean. But if the scall spread much in the skin after his cleansing: then the priest shall look on him: and, behold, if the scall be spread in the skin, the priest shall not seek for yellow hair: he is unclean. But if the scall be in his sight

at a stay, and that there is black hair grown up therein; the scall is healed, he is clean: and the priest shall pronounce him clean."

Lev. XVI:15-28 records the Sin offering for the Holy place in the same descriptive style. See, also, Num. XVIII:26-32 and XXVIII:3-8.

These passages cited are not a few isolated passages only which happen to be in this style, but correctly illustrate the general style of the statutory directions of every kind given in the pentateuchal legislation, as the illustration of "judgments" cited illustrate the style of the "judgments." Any one who will read for ten minutes consecutively in the "judgments" of Ex. XXI:1-XXIII:19, and then ten minutes anywhere in the directions for the construction of the Tabernacle, Ex. XXV-XXX, or in the Ceremonial Laws of Leviticus, will need no argument to convince him that there is a most striking difference of style between these two parts of the Pentateuchal legislation, i.e. between the style of composition of the two KINDS of laws contained in these two parts and that this difference is aptly described as Mnemonic and Descriptive.

When, now, the laws written in this Descriptive style are closely scrutinized it is to be observed that, with the exception of a very few "judgments" on unfamiliar subjects, and a few "statutes of judgment" which were new and very special legislation or approved regulations for the modification and mitigation of existing "judgments," they are all "statutes," laws of procedure of various kinds. There is the Ceremonial Law, first of all, with all its directions concerning sacrifices, and concerning clean and unclean things; then the directions for the construction of the Tabernacle and its furniture and the vestments of the priests, and statu-

tory directions concerning feasts. Moreover, there are very few "statutes" not written in this Descriptive style, only those "statutes" concerning the most common sacrifices, especially, and almost exclusively, the small list of "statutes" found in the laws given to Israel before the directions were given to Israel for the Tabernacle and its elaborate ritual, and which were to be remembered by the people.

Eg. Ex. XX:24-26:

"An altar of earth thou shalt make unto me, and shalt sacrifice thereon thy burnt offerings, and thy peace offerings, thy sheep and thine oxen: in all places where I record my name I will come unto thee and I will bless thee. And if thou wilt make me an altar of stone, thou shalt not build it of hewn stone: for if thou lift up thy tool upon it, thou hast polluted it. Neither shalt thou go up by steps unto mine altar, that thy nakedness be not discovered thereon."

The significance of the fact that the "statutes" were thus written almost wholly in this Descriptive style in distinction from the "judgments" as well as the "Commandments," which were, on the other hand, written almost entirely in the Mnemonic style, is easily discoverable, when all the material lies before us. We have seen that the "judgments" were most appropriately in the Mnemonic form, since, not only were they "judgings," which passed from mouth to mouth a long time before being written down in the Pentateuch, a process which always tends toward terseness, and often toward minstrelsy in literary form, but they needed, also, to be memorized by the judges that these might readily attend to the business of their courts, and the people, also, needed to be as familiar as possible with such laws that they might be law-abiding citizens.

Now it is equally apparent that, with the exception of the few common and most familiar laws of sacrifice given before the Ceremonial Law, which all the people needed to know, the "statutes" were only special instruction in unfamiliar things and for specialists. Bezaleel and his fellow artisans were the only ones who needed to know the instructions for the construction of the Tabernacle, and the fabrication of its furniture and the vestments of its priests. The priests who directed the sacrifices and all the ritual of the Ceremonial Law were the only ones who needed to be familiar with the "statutes" which prescribed it. These were of the educated classes who could read, and, properly for them, the "statutes" were, with all their unfamiliar ideas, written in this Descriptive form that they might rightly understand and follow the directions with accuracy, and so lead the people. Once familiarized by them, the ritual would go on by rote, but the "statutes" having been written down in this Descriptive form were fixed and would not thereafter take, in writing, a brief sententious form like the "judgments" which acquired this form before being written down. Thus we have the "judgments" in the Mnemonic form and the "statutes" in the Descriptive form. The people would have no need to be familiar with the "statutes" as with the "judgments," for, while they must live their lives themselves, they were under the immediate direction of the priests, when they came to present themselves in the Tabernacle service. Of course, no one in Israel other than Bezaleel and his assistants would have any occasion, other than vain curiosity, to study the directions for the construction of the Tabernacle. Thus the Descriptive style, as well as the Mnemonic style, is not only distinctly observ-

able, but equally natural and appropriate to the demands of the occasion.

III. HORTATORY

1. Thus far our investigation of the different LITERARY FORMS in which the various KINDS of laws of the Pentateuch have been cast has wholly omitted any consideration of the statement of laws found in Deuteronomy. This is because, while isolated passages from Deuteronomy would illustrate now the Mnemonic style of the "judgments" and now the Descriptive style of the "statutes" found in the other books of the law, the book of Deuteronomy as a whole, is neither Mnemonic nor Descriptive in style, nor a combination of both, but something very different from either the one or the other. Even a very cursory reading of the book of Deuteronomy, in comparison with the books of Exodus, Leviticus and Numbers, must make clear to even the merest tyro in literature that the LITERARY FORM of this book is most markedly different from the form of the other books of the Law.

It gives account, indeed, of the journeyings in the wilderness, and of many of the events in their proper order, but the fragmentary, journalistic character of the other books, Exodus, Leviticus and Numbers, is almost entirely wanting. In place of annals, the four addresses of Moses stand out as four monographs, and the combining of these with some introductory sentences and connecting narratives and a brief conclusion give the impression of a book struck off at one time, and that in order to make more lasting the manifest purpose of the addresses themselves to exhort and stimulate the people to a continued and more earnest

and lively observance of the many instructions in the law, received during the wilderness life. The fragmentary and long drawn-out teaching during the wilderness journeys had afforded opportunity to dull the edge of the impression which the divine instructions should make. These summarizing addresses would refresh the impression already made, but partly effaced by time and varied experiences, and the immediate record of the addresses in Deuteronomy would give permanence to the effect. These addresses in Deuteronomy have all the appearance of review lectures at the close of a long course of teaching and training, exactly as, indeed, they purport to be.

The laws in the book of Deuteronomy are almost the same as already given and recorded in the earlier books of the law, but there is much summarizing, more attention is given to civil life and less to the religious ceremonies, and there is shown just such advancement in national life and religious attainments as two generations of training under divine tutelage would warrant us in expecting the people now to be able to receive, and such additions to the laws as were needed in anticipation of immediate entrance into the Promised Land.

But the LITERARY FORM into which all the addresses of Deuteronomy are cast in this summarizing of the laws is strikingly different from the form given to any of the laws before this time. This is exactly as we might have expected it would be, if we had anticipated the various purposes for which the laws were given at different times. We have laws for very familiar use by magistrate and people Mnemonic in FORM, laws for careful study and application by the educated priesthood more Descriptive and explana-

tory in character and FORM. It must be immediately evident that the one remaining use for laws, their adaptation to public address by statesmen, who would give impulse to national movements, calls for another LITERARY FORM quite as distinct and characteristic as are these that we have examined. The judge of today will cast his thoughts into one form, brief, terse and pointed, in giving a decision from the bench: into quite another form in the explanation of statutes for the instruction of a class of students in a law school, or in conferences with his colleagues upon the meaning of laws: and into still another, and very different form, if called upon to mold public opinion, and give impulse to public and habitual action by means of popular addresses upon these same laws. Exactly so, we have the Mnemonic "commandments" and "judgments," for memorizing by the magistrates and the people and the Descriptive "statutes" for the instruction of the priests who should lead the people in their ceremonial ritual of new and wonderful spiritual content. So, also, in Deuteronomy we have the Hortatory FORM of expression by which all these various KINDS of laws, but especially those pertaining to the civil and political life of the people, were set forth in public addresses by the great law-giver to stir up in their minds a more lively conception of the laws already given, and to give greater impulse toward righteous activity in Israel as they were about to enter the Promised Land.

2. This Hortatory FORM of the addresses of Moses in Deuteronomy, like the Mnemonic FORM of the "judgments" and the Descriptive FORM of the "statutes" in all the other books of the Law, is quite as apparent in a translation, as in the original, of the

Pentateuch. Indeed, it is so apparent that it seems hardly necessary to give here any illustrations; the whole book of Deuteronomy is the best illustration.

It would be impossible to read the eloquent appeal for obedience in Deut. IV:7-11 without feeling in a very special way the influence of this Hortatory FORM of expression.

“For what nation is there so great who hath God so nigh unto them, as the Lord our God is in all things that we call upon him for? And what nation is there so great, that hath statutes and judgments so righteous as all this law, which I set before you this day? Only take heed thyself, and keep thy soul diligently, lest thou forget the things which thine eyes have seen, and lest they depart from thy heart all the days of thy life; but teach them thy sons and thy sons’ sons. Specially the day that thou stoodest before the Lord thy God in Horeb, when the Lord said unto me, Gather me the people together, and I will make them hear my words, that they may learn to fear me all the days that they shall live upon the earth, and that they may teach their children. And we came near and stood under the mountain: and the mountain burned with fire unto the midst of heaven, with darkness, clouds and thick darkness.”

Or consider this inspiration to patriotism, Deut. XX:1-4:

“When thou goest out to battle against thine enemies, and seest horses, and chariots, and the people more than thou, be not afraid of them for the Lord thy God is with thee, which brought thee out of the land of Egypt. And it shall be, when ye are come nigh unto the battle that the priest shall approach, and speak unto the people, and shall say unto them, Hear, O

Israel: ye approach this day unto battle against your enemies; let not your hearts faint: fear not, and do not tremble, neither be ye terrified because of them: for the Lord your God is he that goeth with you, to fight for you against your enemies, to save you."

Or take this extract from the fearful description of the consequence of disobedience in Deut. XXVIII; 15-68, especially 37-44:

"And thou shalt become an astonishment, a proverb, and by-word, among all nations whither the Lord shall lead them. Thou shalt carry much seed out into the field, and shalt gather but little in: for the locust shall consume it. Thou shalt plant vineyards, and dress them, but shalt neither drink of the wine, nor gather the grapes: for the worms shall eat them. Thou shalt have olive trees throughout all thy coast, but thou shalt not annoint thyself with the oil: for thine olive shall cast his fruit. Thou shalt beget sons and daughters, but thou shalt not enjoy them: for they shall go into captivity. All thy trees and fruit of thy land shall the locusts consume. The stranger that is within thee shall get up above thee very high: and thou shalt come down very low. He shall lend to thee, and thou shalt not lend to him: he shall be the head, and thou shalt be the tail."

For further special illustrations of this Hortatory FORM of Deuteronomy, see Deut. IV, VI, IX, XIII, XVII, XX, XXVII, XXVIII, XXIX, XXXII, and XXXIII.

It is important to note here in concluding this investigation what has been intimated at different places throughout it, that this distinction between the Mnemonic, the Descriptive and the Hortatory is not maintained in the highest degree in every paragraph of

these different parts of the Pentateuch. We have found that there are some "judgments" about comparatively unfamiliar things and these are necessarily more or less Descriptive in expression. There are also "statutes" concerning most common portions of the ritual and they are brief and terse, perhaps, also, intended for memorizing. There are, also, some passages in the addresses of Moses in Deuteronomy, which lag far below the highest flights of his oratory. In this investigation concerning the Literary expression of the various KINDS of laws, as in the first investigation concerning legal terms, it is not in absolute uniformity of expression that the different classes of laws are distinguished the one from the other, but in the degree of uniformity. These FORMS of expression, the Mnemonic, the Descriptive and the Hortatory, do indisputably prevail in these different KINDS of laws: it is this prevalence that differentiates the USES of these different KINDS of laws the one from the other. This prevailing distinction in expression in different parts of the Pentateuch has sometimes been minimized and even denied in the heat of controversy by those who have opposed the Documentary Hypothesis. But it indisputably exists and its existence can hardly be too much insisted upon.

CHAPTER III

THIRD INVESTIGATION

CONCERNING THE EFFECT OF TECHNICAL TERMS AND LITERARY FORMS ON STYLE AND VOCABULARY

I. A third investigation was made concerning the relation of the different KINDS of laws, found in the first investigation, and the different USES of laws, found in the second investigation to the Diction and Style of the various parts of the Pentateuch, in which these different KINDS and USES of laws are to be noted. Some things have already appeared incidentally on this subject, but much more yet remains to be said distinctly upon certain specific questions. The word "style" has been carefully avoided in the second investigation, "form" or "expression" being employed in the discussion of the literary qualities under consideration. It is important here to observe carefully the distinct difference that exists between *form* and *style* in literature. Shakespeare and Tennyson and Browning are all in poetic form, but how different the style! The *Anabasis* of Xenophon, Victor Hugo's account of the battle of Waterloo, and *Robinson Crusoe* are all descriptive in form, but here, also, how different the style! Demosthenes on the Crown, the reply of Logan the Mingo chief to Lord Dunmore, and Lincoln's Get-

tysburg address, are all oratorical in form and expression, but again, how different the style! Literary form is rhetorical architecture, style is the work of the decorator. Now the architecture of a building has much to do with determining the style of decoration, not only so, but the *kind* of building it is, and the particular *use* to which it is to be put also reflect themselves in the decorations. Byzantine architecture is certain to have much to do with the decorations employed with it, and quite as certainly a dwelling house and a church in this style of architecture will each influence very much the style of decoration given to it, and again among dwelling houses, the caravansary and the palace will vary much in the decorative treatment given them.

So it is in literature: the form, or architecture, of it and the use for which it is intended has much to do with the style, or decoration given a production. Failure to observe this distinction between Form and Style in literature, and the relation of the one to the other, has introduced much confusion into criticism. All the differences already observed in the literature of different parts of the Pentateuch have been called Style and these differences of "style" attributed to different authors.

Style is, indeed, personal property which originates and terminates in the author; while, on the other hand, form is common property which neither originates nor terminates in any author, but is a common frame-work, the architecture, according to which various authors build in keeping with *what is to be built*, and adorn it, each in his own personal style in each case. Any particular author's style may vary greatly with the different form of literature which he employs and he

makes choice, also, among the different forms according to the subject of which he wishes to treat. No more striking difference in style may be found in literature than between Milton's poetical works and his controversial papers. Here style undoubtedly goes back to form, and form to the subject, for its origin. What a miserable fiasco would the papers have been in the form of the *Paradise Lost*! or *Comus* in the form of the *Tenure of Kings and Magistrates*!

II. So Form is not Style in literature; but Form is intimately related to Style. Even the form of stanza in Shakespeare and other poets has relation to the style in each case, and on the other hand, the form has, also, relation to the subject and the purpose in view. There is a Mnemonic form of literature among the laws of the Pentateuch, there are, also, laws that are Descriptive and still others that are Hortatory in form *according to the purpose in view in each case*. These laws would still be in these various forms, *though somebody else* wrote them down. His style might be very different, and it in turn would, in like manner, be affected by the form. Thus the form of these laws, though something quite distinct from the style of the author in each case, has yet something to do with his style. The Descriptive form in literature may vary in style with each author as we have seen in the case of Herodotus, Victor Hugo and de Foe, yet the form does affect the style. In like manner there is such a thing as style among orators, who are yet all orators; and yet oratory, in every case, affects the style, even as a stimulant quickens to activity of life.

Mnemonic literature, with its far less breadth, and thus greater limitations, in style, has yet displays of style, as the Sybbilene oracles differ in style from the

rhyming geographies of our grandfather's days, and these from the Mother Goose rhymes of the nursery. The subject or intent which requires different forms works through them to make itself felt in the style. These relations between Form and Style in literature will become at once more apparent when we consider what it is in each case which calls for different forms in literature. Why do authors employ different *Forms* in literature? Why do builders employ different *Forms* of architecture? Because they are concerned about different *Kinds* of buildings and erect these buildings in very different environments which, in turn, present different requirements and furnish different materials, i.e. the architects erect different *KINDS* of buildings intended for different purposes or *USES*. So, authors employ different *Forms* of literature for different subjects, i.e. different *KINDS* of thought, and that for different purposes, i.e. different *USES*, and these *KINDS* and *USES* of thought are, in turn, affected, and largely determined, by the environment of the author and the materials which perception and consciousness affords. If we investigate the subjects and purposes of the writers of the Pentateuchal laws we may expect to find reasons for the different *Forms* which we have already discovered in these subjects and purposes which lie back of them and produced them, and discover, also, the great effect which these different *Forms*, and the subjects and purposes, which lie back of them and produced them, had upon Style in the different parts of the Pentateuchal laws.

To summarize the discussion, there is a poetic, or rhythmic, *FORM* of literature, to beautify; a *Descriptive*, or narrative *FORM*, to clarify; and an *ORATORICAL*, or impassioned *FORM*, to intensify, and in these

various FORMS of literature, there may be almost as many different STYLES as there are different authors, and these various authors are, in turn, played upon by the various KINDS of thought they have to express and the various USES to which their thought is to be put.

III. The different literary Forms of the laws of the Pentateuch in its various parts are the result, as we have seen in the first two investigations, of the different subjects treated, i.e. different KINDS of laws, and the different purposes for which the various KINDS of laws were intended, i.e. the different USES of laws: let us note what effect these Subjects and Purposes, i.e. KINDS and USES, have upon Style and Vocabulary.

1. Subjects. The various Subjects which, in part, give rise to the various literary *Forms* in which the different parts of the Pentateuch are cast, lead us at once, upon knowledge of them, to expect decided differences in vocabulary and arrangement and all the other qualities which go to make up that subtle literary quality called Style. "Judgments" concern themselves with rights and wrongs, oftentimes mention crimes and their penalties and at other times present civil causes of strife "one with another." Naturally, "judgments" employ words denoting such crimes and civil controversies, the penalties assessed for the crimes and the proper adjustments for the civil strife. These being matters of common knowledge, such laws would not require many descriptive words to make them intelligible to the people. It seems superfluous now to add that these peculiarities are actually found to be employed in the "judgments."

On the other hand, the "statutes," of things civil or

religious, about which the law-giver announces arbitrary enactments concerning things not right or wrong in themselves, i.e. *mala in se*, but only made so by the "statute," i. e. *mala prohibita*, call for vocabularies and all the other elements of Style very different from those of the "judgments." The words denoting crimes and penalties, so common in the "judgments," will be entirely wanting here, while words denoting architectural ideas, as in the directions for the construction of the Tabernacle, "the pattern showed in the mount," those denoting stuffs and jewels, as in the furniture of the Tabernacle and the vestments of the priests, directions for the sacrifices and acts of devotion, as in the Ceremonial Law, must abound in these "statutes." Then, the subject matter of the "statutes" being less familiar, or, as in some cases, not familiar at all, naturally requires the use of descriptive words and phrases more abundantly than the laws may be more clearly intelligible.

The "commandments," because of their fundamental character, naturally require vocabularies somewhat peculiar to themselves; and because of their deeply moral character, they call for vocabularies more akin to the vocabulary of the "judgments" than to that of the "statutes." This needs only to be mentioned and need not be illustrated here.

The sum of all these considerations about the vocabularies of the different KINDS of laws is this: Different subjects require different vocabularies to express the treatment of them, quite as much as they require different terms to denominate them. Also, subjects differing so much from each other as to be sharply differentiated by technical terms lead to great differences in vocabulary, as great differences, indeed,

as different authors use. Certainly our criminal laws differ as much in vocabulary from the rubrics of religious worship, as Milton differs in diction from Shakespeare, Goethe from Bismarck, Victor Hugo from Balzac, or any other two modern literati differ from each other.

2. Purpose. Different parts of the laws of the Pentateuch were given, as we have seen, for very different purposes; some for application in the magistrates' courts, some for use as a rubric in religious worship conducted by priests, some for the guidance of expert artisans in the erection of the Tabernacle as a place of worship, and in the preparation of furniture and vestments for its ritual, and still other statements of laws were intended for the instruction and exhortation of a public assembly. And different purposes require different, very different, diction, arrangement, and all the other elements that go to make up literary style.

It is a poor rhetorician that cannot adapt himself to his audience and occasion. How delightfully different are some of our great preachers in a sermonette to the children and in the usual sermon to the congregation which immediately follows. Sometimes the congregation wishes that the sermonette would continue all the way through! Not only is this difference affected by the purpose with different subjects, but is just as marked, when the same subject is discussed with a different purpose in mind even on similar great occasions. Compare President Wilson in his peace message to Congress (Jan. 22, 1917) with President Wilson in his war message to the same Congress (April 2, 1917). How unlike the same person, though discussing the same great subject before the same audi-

ence! How very different the style and the spirit, and, in some measure, the vocabulary! But why should it be necessary to heap up additional evidence on this subject? Who, that listens to public speaking, does not know that different purposes and different occasions require different styles and vocabularies quite as much as do different authors? How monotonous and tiresome to listen to a public speaker who drones along in the same fashion and with the same diction on all subjects, using pet words and phrases over and over until they become positively painful. What a lot of "doublets" we sometimes hear!

Now, as we have seen, different parts of the Pentateuchal laws were intended for different uses on very different occasions; some for the common daily use of judges on the bench, some for the guidance of the priests, and so to be used as books of reference by an educated priesthood; others still were intended for public address, as were the exhortations of Moses to the people in the Plains of Moab. These different USES and different occasions were so marked that they give rise to some of the laws being Mnemonic in form, that judges might easily remember them: others Descriptive, that the priests should easily understand them: and others Hortatory that the people should be moved to obey and do them. With these facts in mind, it seems a waste of words to argue that these different purposes and different occasions would certainly result in great differences of literary style. The Mnemonic "commandments" and "judgments" with their brevity and terseness and rhythm, present a style as clearly marked as is that of the Roman Laws of the Twelve Tables. The Descriptive expression of the Law in the "statutes," becomes more verbose, even some-

times florid in expression, and the addresses of Moses, intended to inspire obedience and fine patriotism and incite spiritual fervor, do, indeed, take on the impassioned style of such statesmanlike oratory. Moreover, these marked, and intentionally, different literary styles cannot but react upon vocabulary and change it still more, for style depends quite as much upon the choice of words as upon the arrangement of words and the spirit of the author. Thus appears how great has been the mistake of those critics who have attributed all or nearly all literary peculiarities to the Style of authors allowing little or nothing to the demands of the various literary Forms by the different KINDS of Pentateuchal Law and different USES intended by the Pentateuchal law-giver.

IV. Summary of resulting Style. There are thus to be expected, and there are actually found, great differences of Style and vocabulary in different parts of the Pentateuch. These differences have been at the basis of nearly all the critical discussions of the Pentateuch during the last century. Though historical difficulties have often been assigned as a reason for the divisions of the Pentateuch, they have usually been after-thoughts as reasons, the differences of Style and vocabulary have furnished the first criteria upon which the divisions have been made. The lists of such marks of Style as are set forth as criteria for the various Documents of the Pentateuch cover about 35 pages in the Oxford Hexateuch.

These differences of Style and vocabulary have been often, and very plausibly, accounted for by the supposition of different authors for different portions of the Pentateuch. And when literary Form is ignored, as it has so largely been in criticism of the Pentateuch,

and all peculiarities are attributed to Style, it is quite natural and logical to trace this Style in the main to authorship.

Even on the most conservative views of the composition of the Pentateuch, different authors have in some measure to do with these differences in Style and vocabulary: for "commandments" announced by the voice of God from the summit of the mountain, and "judgments," the decisions of judges recognized as common law, would not represent the style of Moses, which, on this view of the giving of the Law, only appears in the "statutes," in direction concerning the Tabernacle and the Ceremonial Law, in narrative portions, and in the impassioned oratory of the addresses on the Plains of Moab.

But far more than the effect of such differences of authorship has been the effect of the *Form* of literature arising from the different subjects and different purposes, an effect almost wholly overlooked in critical discussions. These different *subjects* of law, which so clearly appear, and these different *purposes* for which the laws were intended and to which the laws were put, which are not less distinct the one from the other, make most complete and satisfactory explanation of the differences of Style and vocabulary which have so often been pointed out, and used as criteria for parceling out the Pentateuchal materials among different documents by different authors. Thus the facts, themselves, of the giving and use of the laws in the Pentateuch, the giving of laws to meet different KINDS of cases, and the employment of these laws for very different USES, when carefully examined, furnish a complete solution of the problems of Style and vocabulary which the Pentateuch presents.

CHAPTER IV
FOURTH INVESTIGATION
A COMPARISON OF THE DIVISIONS OF THE PENTATEUCH
ACCORDING TO *KINDS* AND *USES* OF LAWS WITH
THE DIVISIONS ACCORDING TO THE
DOCUMENTARY THEORY

The fourth investigation was made concerning a comparison between the divisions into which the materials of the Pentateuch fall according to these *KINDS* and *USES* of laws and the divisions which are made according to the Documentary Theory.

I. The Documentary Theory regards Deuteronomy as a book by itself among the Pentateuchal material. The other books of the Pentateuch are treated as compilations made up from various documents and joined together by various Redactors, and so, finally, coming into their present form as a finished product. Deuteronomy, on the other hand, is regarded as an entirely separate piece of literature, in the main the work of one author, and, perhaps struck off at one time, though on this latter point critics differ much among themselves. It is, also, held by all that use was made of the legislation contained in Exodus and Numbers, and, by most critics, that one or more Redactors have had a hand in bringing Deuteronomy into its present form (Cf. George Adam Smith's *Deuteronomy*, in the Cam-

bridge Bible, with, also, all exponents of this Documentary view of the Pentateuch). Moreover the one author and one time of the composition of Deuteronomy is, according to the Theory, entirely apart from the various authors and redactors and dates of the other books of the Pentateuch.

The analysis of the Pentateuch that we have been making in these investigations has, also, found Deuteronomy to be a book that is, in its literary form, quite apart from the other books of the Law. While the "commandments," "judgments" and "statutes" are found with the same technical significance in Deuteronomy as in the other law books, the literary form and setting has been found to be totally different. In Exodus, Leviticus and Numbers, all the various KINDS of laws are like inserts in a journalistic narrative. They could be dropped out entirely and the journal of events would constitute a complete narrative, as complete, as now, and more consecutive. In Deuteronomy, on the other hand, the laws are of the very warp and woof of Moses' addresses, and the addresses themselves so combine together as to make the book to be, not a journal, but a monograph.

Now, it is manifest that for the purposes of comparison between divisions of the Pentateuch afforded by the Documentary Theory and divisions according to KINDS and USES of laws the common basis of comparison which logic requires is to be found in recognizing the monographic character of Deuteronomy in distinction from the journalistic character of Exodus, Leviticus and Numbers, and so allowing it to stand apart from the other books in the comparison, while they are grouped together. The groups of the various KINDS and USES of laws in Deuteronomy

would, indeed, show the same characteristics, but there are no divisions *according to the Documentary Theory* with which to compare them, hence no common basis of comparison. In the following comparison, therefore, Exodus, Leviticus and Numbers will be grouped together and Deuteronomy treated separately, as is done in the Documentary Theory.

We have already seen that both Form and Style of the groups of the various KINDS of laws, "commandments," "judgments" and "statutes" in their various USES, differ greatly from each other. It is clearly then to be expected that, if the groups of all these various KINDS of laws in Exodus, Leviticus and Numbers were gathered together respectively according to their KINDS and USES, and to each group of laws was attached the narrative portions which served to introduce them or explain the occasion that called them forth and the events to which they led in the wilderness experiences, that the resulting divisions of the Pentateuch will exhibit, also, very strikingly the same characteristics of Form and Style as the various KINDS and USES of laws according to which these collections have been made from the books of the Pentateuch.

II. We will extract these collections of laws and associated narrative from the complete analysis of the materials in the First Investigation and see what they are in fact.

COMMANDMENTS

- Ex. XX:1-17, The Decalogue. Associated narrative
Ex. XIX and XX:18-21, the account of the giving of the Decalogue and of the accompanying events.

JUDGMENTS

- Ex. XXI:1-XXIII:19, The great list of "judgments" given at Sinai.
- Ex. XXIII:31-33, Brief list of "judgments" concerning the occupation of the Promised Land which at that time was looked forward to immediately. Associated narrative, Ex. XXIII:20-30, being exhortations and promises; XXIV:1-18, narrative of the Covenant at Sinai, the presentation of the priests and the seventy elders before the Lord and the calling of Moses into the mount with Jehovah for forty days.
- Ex. XXXIV:18-21, Short list of "judgments" concerning the civil law of some of the Feasts, concerning First fruits, and concerning the keeping of the Sabbath.
- Lev. XVIII:3-26, Sundry "judgments" mingled with "statutes" for the most part repetitions of "judgments" already given. Associated narrative, Lev. XVIII:27-30, indicating that these laws were given at this point in special preparation for entering the Promised Land.
- Lev. XIX:1-4, 11-18, 29-36, Sundry "judgments" mingled in the list with "statutes." Verse 37 narrates the injunction to observe all the "judgments" and "statutes."
- Lev. XX:9-16 and 27, Various "judgments" for the most part concerning miscegenation of various kinds.
- Lev. XXIV:10-XXV:55, Brief list of "judgments" and mingled narrative arising out of the incident of the son of an Israelitish woman and an Egyptian man who blasphemed the name of the

Lord. Following this are a number of "judgments" concerning the Jubilee, the redemption of Land, the treatment of bondmen.

Lev. XXVI:1-2, Certain "judgments" concerning idolatry and irreverence.

Num. XXXV:9-29, "Statutes of judgment" concerning Cities of Refuge, which are special statutory "judgments" and may properly be included among the "judgments" for the purpose of this comparison of divisions in the Pentateuch.

Num. XXXV:30-34, "Judgments" concerning homicide which are appropriately associated with the law of the Cities of Refuge.

STATUTES

Ex. XX:22-26, Brief group of "statutes" of ritual given immediately after the Decalogue for the direction of worship before the giving of the Ceremonial Law.

Ex. XXV:1-XXX:38, Directions for the construction of the Tabernacle, and its furniture, for the vestments of the priests and for the setting apart of the priests; associated narrative, Ex. XXXII:1-XXXIII:23, recounting the events in the camp of Israel while Moses was on the mount receiving instructions concerning the Tabernacle, and Moses' return and prayer for the people for their sin of worshipping the golden calf.

Ex. XXXIV:19-26, Brief lists of "statutes," with associated and continuing narrative to the end of the book, Ex. XXXIV:1-17 and XXXIV:27-XL:38, recounting the renewal of the Tables of the Law, the gifts of the people for the Tabernacle and its furnishing, and the erection of the

Tabernacle and the making of all the things needed for it.

Lev. I-XVI, "Statutes" of the Ceremonial Law.

Lev. XVII:1-16, "Statutes" of the Ceremonial Law of eating flesh with the blood.

Lev. XVIII:1-17, Concerning unlawful marriages.

Lev. XIX:5-10, 19-28, Sacrifice of peace-offerings, and sundry "statutes." Verse 20 is a "statute of judgment."

Lev. XX:1-8, 17-26, Sundry "statutes."

Lev. XXI:1-XXIV:9, "Statutes" concerning many matters, and especially the Feasts.

Lev. XXVII:1-34, Laws of vows and their redemption, preceded by a narrative of the blessings and the curses, Lev. XXVI:3-46.

Num. I-X:10, "Statutes" concerning the numbering of the people, the camp of the tribes, vows and offerings, the passover, and the silver trumpets, associated narrative X:11-36, account of the setting forward on the way from Sinai to the Promised Land.

Num. XV:1-31, Law of sacrifice for sin of ignorance, narrative XI:1-XIV:45, a narrative of the journeyings on the way toward the Promised Land, the sending out of the spies, and the rebellion of the people and Moses' intercession for them.

Num. XVIII:1-XIX:22, "Statutes" of the portions of the Priests and Levites, associated narrative XV:32-XVII:13, of the stoning of the Sabbath breakers, of the rebellion of Korah, Dathan and Abiram, of the murmuring of the people, and of Aaron's rod that budded. Also, a succeeding narrative, XX:1-XXVI:65, recounting the

events of the thirty-eight years wandering, the conflict with Balak and Baalam, the whoredom and idolatry with Edom and the numbering of Israel in the Plains of Moab.

Num. XXVII:6-11, Law of the inheritance of daughters, a "statute of judgment." It might be listed with the "judgments," also, but this "statute" of "judgment" seems more a "statute" than a "judgment." There is also associated narrative XXVII:1-5, giving account of the plea made for the daughters of Zelophehad.

Num. XXVIII:1-XXX:16, Concerning offerings and feasts, "statutes," narrative XXVII:12-23, the command to Moses to view the Holy Land, and the arrangement for a successor to Moses.

Num. XXXIV:1-29, "statute," fixing the borders of the land, narrative XXXI:1-XXXIII:49. Midianites spoiled, Reuben and Gad allotted their inheritance east of Jordan, and account of the two and forty journeyings of Israel.

Num. XXXV:1-8, Law of the cities of the Levites.

Num. XXXV:9-29, Law of the cities of refuge, a "statute of judgment," that might be, also, classified as a "judgment" in this comparison, but seems also more a "statute" than a "judgment."

Num. XXXVI:1-13, Inheritance of daughters, another "statute of judgment" (Cf. p. 60-61) which seems more a "statute" than a "judgment" and so is placed here for this comparison.

If again, the groups of Mnemonic, Descriptive and Hortatory laws were gathered together respectively from the preceding investigations, together with narrative portions which serve to introduce them or ex-

plain the occasion of their use, we would expect the resulting divisions to display in large degree the same characteristics which so strongly mark these different Literary Forms required by the different USES for which these groups of laws were intended. And when we actually make such divisions the expected characteristics are clearly apparent. Moreover, the sets of divisions thus resulting from gathering together the groups of laws according to KINDS, with associated narrative and the groups of laws according to USES with accompanying narrative, *are exactly the same*. The "commandments" and "judgments" are the Mnemonic laws, the "statutes" are the Descriptive laws, and the Book of Deuteronomy, which stands by itself, contains the Hortatory presentation of all the three kinds of laws. Of course, as the divisions are the same, the same narrative serves to introduce and explain the groups of laws according to the division in either case.

III. It is well known that the Documentary Hypothesis also presents certain divisions of the Pentateuch. These various divisions and the reasons assigned for making them are best examined in detail in the writings of those who are the principal advocates of the Documentary Theory. The subject may be seen so presented in Wellhausen's *Prolegomena*, Kautzsch's *Literature of the Old Testament*, Haupt's *Polychrome Bible*, and in the *Oxford Hexateuch*. I will give here only a few brief statements of the Divisions of the Pentateuch according to the Documentary Theory, which any one may test by reference to the works just cited.

According to the Documentary Hypothesis, there are certain main Documents as follows: First among these Documents, because esteemed the oldest of them all, is the J Document, whose author is known as the Jahvist,

because he used almost exclusively the name Jehovah in speaking of God. Another Document is called the E Document, whose author is called the Elohist, because he refers to the Deity almost exclusively by the Hebrew name *Elohim*. These two very early Documents were later combined, according to the hypothesis, into one Document, called, for convenience, the JE Document. It is in this combined Document, according to the theory, that the two authors, J and E, appear, for the most part, in the Bible as we have it. A few fragments only of the original J and E documents are pointed out. A second main Document appearing in the Bible in its present form, according to this Documentary Hypothesis, is the P Document, the Priestly writing, so called, because its author is supposed to have been a priest or a company of priests. Finally, there is the D Document, which is the Book of Deuteronomy, and its author is called the Deuteronomist. There are, also, a number of smaller Documents pointed out by various advocates of the Documentary theory. Indeed, one who accepts the theory is apt to acquire a Documentary habit that impels to ever increasing exercise. Then, there is also, a considerable element, not a document, contributed by a Redactor or by Redactors, various editors, who from time to time had to do with the publication of the sacred writings of the Hebrews. This last element is denominated R. In making comparison between the divisions of the Pentateuch afforded by these present investigations and those divisions afforded by the Documentary Theory, it will prove entirely satisfactory to all that the comparison be limited to the Main Documents of the Documentary Theory; the minor Documents are so brief as not to affect the general

results of the comparison, and the element supplied by the Redactor serves simply to combine together what are claimed to be the real Documents.

Comparison will then be made with the JE Document, including with it such fragments of J and E as are still pointed out; the P Document, including H, the so-called Holiness Code, incorporated with it; and the D Document. While naturally, all critics do not wholly agree in the assignment of passages to the various Documents, the disagreement is sometimes quite overestimated. There is, indeed, quite general agreement concerning the main portions of the Pentateuch. In this comparison, we will follow the divisions as given by Kautzsch in the *Literature of the Old Testament* (Cf. p. 226), and as shown to the eye in the *Polychrome Bible* edited by Professor Haupt. Nearly the same results would be found by consulting any other work founded on the Documentary Theory.

According to this analysis of the Pentateuch, there is assigned to the JE Document, including the fragments still assigned to J and E, the Book of Exodus, except Chapters XXV-XL, portions of the book of Numbers amounting to about one-half, and portions of Leviticus, especially of the Holiness Code. There is assigned to the P Document almost the whole of Leviticus (except portions of H assigned to JE), chapters XXV-XL of the book of Exodus, and nearly all of the remainder of the book of Numbers not assigned to JE and to J and E. The D Document is the book of Deuteronomy almost in its entirety. Only chapter XXXIII and a few scattered fragments are given other assignment.

It only remains to compare these divisions of the Pentateuch according to the Documentary Hypothesis

with the divisions afforded by the different KINDS and USES of laws as developed in the preceding investigations. A glance at the preceding list of groups of laws will suffice to show the results of the comparison. *These two sets of divisions are almost exactly identical.* There is a margin of uncertainty in the assignment of difficult passages by either process of division, and a few mistakes may be made in either case. No more disagreement than this is found to exist. The accompanying Diagram on the opposite page shows the main divisions afforded by these two methods, the divisions according to the Documentary Theory being placed above and the divisions according to the KINDS and USES of laws below. The extent of the agreement is indicated by the diagrammatic scheme, agreement by dashes, disagreements by dots; divided agreement, i.e. agreement in part, or possible agreement and possible disagreement, by both dashes and dots. It is usual with advocates of the Documentary Theory to speak in a general way of Leviticus as wholly P (Cf. Kautzsch, *Literature of the Old Testament*), but in detailed discussions of the material it comes out that H, i.e. Chaps. XVII-XXVI, is said to have been incorporated from some older legislation and, in the ultimate analysis, is divided into two original sources. Upon examination of these two "sources" it is found that they contain respectively "judgments" and "statutes." Thus these Chaps. XVII-XXVI are in the Diagram indicated as "divided agreement."

IV. The results of the comparison are so plain that a cursory glance at the Diagram will perceive:

(1) That the JE Document, together with scattered fragments assigned to J and E, is made up very

J-E Document (+J and E) P-Document (+H) D-Document

| | | | |
|---|--|---|--|
| Exodus | | Deuteronomy | |
| <div> <div>1</div> <div>20 24</div> <div>25</div> <div>29</div> </div> | | <div> <div>1</div> <div>32</div> </div> | |
| Leviticus | | | |
| <div> <div>17</div> <div>26</div> <div>27</div> <div>10</div> </div> | | <div> <div>33</div> </div> | |
| Numbers | | | |
| <div> <div>10 29</div> <div>25 6</div> <div>31</div> <div>35</div> </div> | | <div> <div>34</div> </div> | |

Mnemonic Laws Descriptive Laws Hortatory Laws
 (Commandments & Judgments) Statutes (Commandments, Judgments & Statutes)

| | | | |
|---|--|----------------------------|--|
| Exodus | | Deuteronomy | |
| <div> <div>18</div> <div>20 24</div> <div>25</div> <div>29</div> </div> | | <div> <div>32</div> </div> | |
| Leviticus | | | |
| <div> <div>17</div> <div>26</div> <div>27</div> <div>10</div> </div> | | <div> <div>33</div> </div> | |
| Numbers | | | |
| <div> <div>10 29</div> <div>25 6</div> <div>31</div> <div>35</div> </div> | | <div> <div>34</div> </div> | |

Dashes-Agreement – Dots-Disagreement - Dashes & Dots-Divided Agreement

exactly of the "Commandments" and the "judgments" found in Exodus, Leviticus and Numbers, almost wholly Mnemonic laws, with the addition of those narrative portions necessary to introduce and explain these collections of laws. The P Document is almost exactly the "statutes" of Exodus, Leviticus and Numbers, almost wholly Descriptive laws, with the addition here, also, of the narrative portions belonging with these "statutes." The D Document contains, with almost perfect exactness, the Hortatory expression of the "commandments," "judgments" and "statutes" in the book of Deuteronomy, and the binding thread of narrative that makes Deuteronomy such a graphic book. To the complete agreement indicated by this comparison of the divisions according to the Documentary Hypothesis and the divisions afforded by these investigations there is but a single real exception, the XXXIII chapter of Deuteronomy, assigned by the Documentary Theory to some late author.

(2) These various investigations and this striking comparison with the Documentary Theory to which they lead do not directly disprove the Documentary Theory. They are not, indeed, directed immediately to that end. It is not so important to disprove any of the theories of the composition of the Pentateuch as it is to present a correct solution of the literary problems of Form, Style and Vocabulary in the Pentateuch. I do not mean to belittle the efforts of those who have spent much time and great learning in attempts to disprove the Documentary Theory: their efforts are well directed, if they should prove successful. But merely to disprove the Documentary Theory would not get us on very far; for that would leave the real Pentateuchal Problem of Form and Style and Vocabulary

still unsolved. The original purpose of these investigations was purely analytical, simply to discover what would be revealed by the classifying of the "materials of the Law." The immediate purpose of the publication now is not to disprove any theory, but to present that solution of the Pentateuchal Problem which these investigations have brought to light.

So I say with all frankness that these investigations do not directly disprove the Documentary Theory and are not directed to that end. *But they do far more.* They present only patent facts which any one can examine and verify for himself and which every doubter is challenged so to test; yet these facts afford equally as good and complete explanation of the literary phenomena of Form and Style and Vocabulary in the Pentateuch as does the Documentary Theory. Thus it appears that there is something else besides that Theory which satisfactorily meets the requirements of these literary Phenomena of the Pentateuch. Moreover, this it does *without calling in the aid of any suppositional elements*, as unknown authors and unmentioned documents. It is a fundamental principle of the examining and interpreting of evidence that nothing is to be supposed, if the case is made complete by the known evidence without any supposition. These investigations show that the case for the differences of Form and Style and Vocabulary in the Pentateuch is complete without any suppositional element. It is, of course, admitted that no theory or explanation in life and literature, which are never mechanical but always subject to the caprices of human volition, is ever proved simply by the fact that it works; *but an explanation that works without calling in the aid of any suppositional element without which it is inadequate,*

is more probable than one that invokes such aid. Common sense does not take kindly to suppositions, when none are needed. Thus, in the presence of the evidence afforded by the KINDS and USES of laws, indirectly the Documentary Theory, with its suppositions of unknown authors and un-heard-of documents as an explanation of the peculiarities of Form and Style and Vocabulary in the Pentateuch, is ruled out by the laws of evidence.

CHAPTER V

FIFTH INVESTIGATION

HARMONIOUSNESS OF STYLE AND DICTION IN THE DIVISIONS OF THE PENTATEUCH ACCORDING TO *KINDS* AND *USES* OF LAWS

Another investigation is at once naturally demanded at this point, an enquiry into the harmoniousness of Style and Diction of the various divisions of the Pentateuch according to *KINDS* and *USES* of laws. Are these different *KINDS* and *USES* of laws and the different authors which appear in the "commandments" and "judgments" and "statutes" and the accompanying narrative sufficient to account for the differences of Style and Vocabulary which appear in the Pentateuch or do elements appear for which these will not account?

The only complete and satisfactory answer to this question is to be found by enquiring into the general literary question of Style and Vocabulary, into the actual differences of Style and Vocabulary which exist in these various divisions afforded by the application of this solution of the Pentateuchal Problem, and into the relation of these differences of Style and Vocabulary to these various *KINDS* and *USES* of laws and the various authors concerned in producing the Pentateuch.

I. It is urged, and perhaps properly, that it is at this point that the crucial questions are raised, and that the correctness of the solution proposed in this book depends upon the answer given to the above enquiry. To what extent ought Style and Vocabulary to be harmonious throughout these various divisions of the Pentateuch here presented, and, are they harmonious to that extent?

"Judgments" being for the most part, as we have seen, "judgings," decisions of judges, written down at last in the form into which long usage has brought them are not thus to be in the Style of the narrative which represents the Style and Vocabulary of the narrator. "Commandments," also, were given by the voice of God and received, also, from God for a written form so that like the "judgments," they do not represent the Style and Vocabulary of the narrator. On the other hand, the "statutes," on the representations of the account itself, were given to Moses and were written down by the narrator, whoever that was. Thus the narrative produced by him may be expected to show something of the same Style, though the peculiarities demanded by the technical character of the "statutes" may not reasonably be expected to be reflected in any great degree in the narrative portions, which naturally contain little or nothing of the use of the technical terms found in the "statutes." These things we have a right on a *priori* grounds to expect, according to the Pentateuch itself, in the examination of the question of harmoniousness of Style and Diction in the various divisions of the Pentateuch according to KINDS and USES of laws. If it does not prove so, then it would seem that the principle of division adopted according to KINDS and USES of laws is fallacious. Thus this

question of homogenousness becomes not only a crucial question at *this point*, but is crucial for the whole proposed solution of the Pentateuchal Problem. If it fail, i.e. if it does not show such degree of harmoniousness as there ought to be under the circumstances, the whole solution fails. If it stands this test, then, to the same extent, the trustworthiness of the solution is established.

Recognizing the importance of meeting these demands in order to convince any not yet entirely convinced of the correctness of this solution of the Pentateuchal Problem, I will do my best to satisfy every one at this point, even though it does require a long literary discussion of the principles of rhetoric. Yet I feel obliged to call attention, first, to the fact that the subjective test is not the deciding test of the correctness of this solution of the Pentateuchal Problem, or in fact the solution of any problem. A correct solution is correct whether a particular person, or persons see it to be correct or not. If the Documentary Theory be the correct solution of the Pentateuchal Problem, it is so, whether I can see that it sufficiently accounts for the differences of Form and Style and Vocabulary or not. My inability to see it does not affect it in the least. And if this proposed solution of the Pentateuchal Problem be correct, it is so, whether those who hold to the Documentary Theory see it or not. The correctness of a solution is an objective truth, not a subjective state of mind. So, I do not quite agree that the crucial test of this solution is to *show* to everybody's satisfaction that it sufficiently accounts for differences of Form and Style and Vocabulary, but it is of such importance to do so, if possible, that I will make the attempt.

II. At the very outset of this examination of Style and Diction we are confronted with a fact that may seem to some to render the examination wholly unnecessary. As the divisions afforded by this investigation are substantially the same as those made according to the Documentary Theory, the Style and Diction throughout each division must be substantially the same also. Thus everything that has been said on this subject in the interests of the Documentary Theory is at once available for these divisions, also. This does not, however, end the matter for us.

It is in order to enquire whether or not evidence for differences in Style and Diction in the various Documents by the Documentary Theory are sufficient, whether or not, also, these very different criteria for divisions, to which attention is now directed, may lead to the discovery of additional elements that distinguish them in Style and Diction. The whole question of the significance and interpretation of Style and Diction for the purposes of literary criticism to determine unity, authorship and date, also, demands consideration. Much has been written upon this subject by many distinguished literary critics, but it is important that the subject receive consideration in consonance with these investigations so as to meet all their requirements. It is seldom that any view of a subject in a given direction is available for a view of the subject in a very different direction, even though it be from the same view-point. This is as true of views of truth as of views of landscape.

III. Any adequate consideration of the interpretation of the significance of the Style and Diction for the purposes of Literary Criticism must include four things: (1) The Elements, (2) The Sources, (3) The

Laws of Interpretation, (4) The Value of the Results of Interpretation.

1. The Elements of Style and Diction.

At the last analysis, style and diction may be reduced to words and their arrangement. This seems very simple, and style and diction would thus seem to be easily and unerringly determinable. In fact, it is far otherwise. For, while style and diction consist of words and their arrangement, the choice of words and the arrangement of words involves the almost infinite possibilities of variation in expression, and introduces that most elusive of all factors, the personal equation. It is in these varieties of expression and the vagaries and caprices of the personal equation in the one who uses them that originate all the graces of adornment, as well as the crudities and incongruities of authors; in short, all the literary skill and all the peculiarities and idiosyncracies which differentiate the works of one author from those of another, and, indeed, give rise to the question of style and diction. Without these variations caused by the personal equation, every piece of writing in any given language would be like every other piece, literature would be shorn of its greatest attractions and reduced to the dead level of a worse monotony than Volapuk or Esperanto.

So it is the peculiarities which the personality of the author introduces into literature that we are called upon to study and depict in any analysis of style and diction. Moreover, the analysis sought is not so much an analysis of results as of processes. The question is not so much what peculiarities does an author produce, an enquiry which is easily answered, as how and why does he produce them, which is a much more

difficult question. We can only know an author by studying him at work.

(a) Words.

Among the elements of style and diction, let us first consider Words. The individual has knowledge of words, preferences among words, and habits in the use of words. He knows, oftentimes, a vast number of words which he does not use in any one piece of composition, often, indeed, not in all his writings. Any one may discover this in his own case by reading a few pages of an unabridged dictionary and observing how many words there are in it which he understands, but never uses.

The individual has also preferences among words which he knows and uses, certain words and phrases which he continually chooses to use rather than others which he knows and which would serve his purpose just as well. These preferences vary, also, greatly according to the subject and the temperamental attitude of the writer at any given time. If he writes sympathetically on a subject, he prefers one set of words, but, if he writes unsympathetically, a very different set of words in writing oftentimes about the very same things. Here comes in the wide variation afforded in the choice of synonyms.

Then, the individual has habits in words, originally preferences, which he has preferred so often that they have become habitual preferences, have passed over from the conscious to a subconscious use. These habits in the use of words furnish us with the so-called *marks* of an author's vocabulary. If these habits never gave way to conscious preferences, the solution of the problem of authorship would be very easy. Thus, considering these preferences and habits, an author's

vocabulary is not a fixed and accurately determinable thing, but an exceedingly variable quantity, sometimes quite indefinable. Yet every author, when *he is himself* and not, for some reason, negating his subconscious use of words, has a vocabulary which is discernible. Especially is this so in the choice of synonyms and of negatives and enclitics, and in the selecting of uses of words that have various uses. So it is that style has much to do with vocabulary. Style and vocabulary are two things, and logically, may be and, indeed, must be, considered apart from each other; yet they constitute one thing, literature, and physically they cannot be torn apart. Words are *all* of vocabulary; they constitute but one element of style. That subtle, almost indefinable quality of good literature denominated a good style consists almost as much in the choice of words as in the arrangement of words.

(b) Phrases.

Phrases constitute the connecting bridge between vocabulary and style. In composition, phrases depend wholly upon the author's vocabulary; in form and frequency and uniformity they begin to give distinctness to style. At the same time, the use of phrases introduces the most variable element into both style and diction. The use of known phrases, like the use of known figures of speech, is one of the necessary elements of human speech. These two elements, phrases and figures of speech constitute a people's "way of saying things," which makes conversation possible. If every one had to originate all his phrases and figures of speech, in everything he said or wrote, no conversation or correspondence could ever be finished. No one could understand another without a most elaborate and plodding study of each utterance. Thus all per-

sons necessarily choose among well-known phrases those which they are accustomed to use frequently; and so, on the one hand, phrases become very helpful and reliable marks of authorship.

But, on the other hand, phrase-making, the striking out for one's self of an unusual number of phrases that really are new to the author, a literary method greatly indulged in by many writers, and a habit of language that is considered a virtue in some languages, introduces such novelty and obscurity of style as often destroys the marks of authorship, and at other times, when carried to a great extreme, becomes in turn, itself, a *mark of authorship*. This is especially true of such a novelist as Dickens or such a humorist as Mark Twain.

(c) Arrangement and use of words.

Style adds to words the arrangement and use of words, not merely the order of words in sentences and paragraphs, which does, indeed, afford striking elements of style, but, also, adds to words the figurative use of words, certain qualities of style which each author selects intentionally (as in the case of experienced authors) or unintentionally (as in the case of writers of less experience) from all the possibilities which the language affords. Here again the selection of particular qualities of rhetorical style may result in habits which become marks of the author's style. In some periods of literature there are fashions in these habits. One hundred years ago it was the fashion in English literature to write with great evenness of style, and authorship became a fixed quantity easily discernible. At the present time the fashion is rather to break up subconscious habits in rhetorical qualities of literature and consciously to strike out

continually new rhetorical forms. This destroys marks of authorship until it is, also, carried to the extreme of becoming itself a habit and so a new mark of authorship.

In the use of figures of speech, there is usually discernible a tendency toward the use of some particular kind of figure. One has a marked preference for metaphor; another, less sententious in expression, tarries to unfold metaphor into the more deliberate and and elaborate simile; another with imagination more inclined to soar has a fondness for the visions of allegory, while still another breaks through the visions of the allegorist and boldly goes on to personification. These tendencies are quite the most inveterate in literary style and thus the figure of speech is that element of style and diction which, more than any other, becomes a real mark of authorship. If there be a sufficient amount of the literary production of an author available for examination and it cover a wide range of subject and occasion, these characteristics of his style that are reliable may be determined with great accuracy.

(d) Rhetorical methods.

In rhetorical methods, next to figures of speech, the most dependable marks of style will appear. One has a style that is merely suggestive, ideas are often but partially stated; another never leaves a thought unexpressed, but rather draws in every one that even floats by. One is satirical and given to insinuating questions; another is most frank, presents everything in simple, categorical statements, one is given to binding all thought closely together and often connects a succeeding sentence with the preceding one either by using again a key word, or some reference to it, or the

employment of a connective; another adds one sentence to another without connective of any kind and with such distinct clarity as that almost any sentence may be lifted out of its connection and made to stand by itself. One is given to extravagance and hyperbole of statement; another to the sharpest definition of thought. One has a fondness for detail; another only for great outstanding facts and ideas. One has a strong sense of humor and a vivid imagination; another is most matter-of-fact in both thought and language. One is fond of short and sometimes inverted sentences; another glories in long, elaborate, and orderly periods.

Thus style, like vocabulary, is not always a determinable thing. Yet, despite all these elements of uncertainty, there are distinct differences of style between authors which may be detected. Each author of experience has truly a style, when he *is himself*, a style that is discernible, a literary countenance recognizable by those who know him.

2. Sources.

The sources of style and diction are not related to the elements as a tree to its fruits. If they were, each element could then be traced unerringly to its source, the tree which bears it. The different elements of style and diction come sometimes from one source and sometimes from another. The sources and elements are related rather as is a musician to his music. The varied elements of his melody may proceed now from one source, now from another; at one time, it is his own heart that sings, at another some subject calls forth its own appropriate expression, at another, a great occasion stirs him with its opportunity, and, at still another, his music is colored by the instrument upon

which he plays which gives variety to his song from the martial stirring of the fife to the plaintive sighing of the violin or the soothing tones of the flute. So are style and diction affected by the sources from which they proceed; now it is wholly the author himself to which his words give expression, now his subject holds the mastery of his emotions, and so masters the man, now he rises to a great occasion or is overwhelmed and sinks under it, and again he pursues his labors methodically surrounded by helpers and leaves the last shaping of his sentences to an amanuensis, or editor, or proof-reader.

(a) Authorship.

The first place among sources of style and diction must undoubtedly be assigned to authorship. Whatever other source precedes, that which proceeds from them must all pass this point and receive impress here, as well as sometimes afterward pass through other hands and receive impress of another medium before publication. To what extent authorship is an original source of style and diction and to what extent only a point of transit is one of the principal complexities of the subject. Yet some have treated authorship as though it were almost the only source of style and diction, as though all other sources were in most cases negligible quantities.

Undoubtedly authorship has very much to do with style and diction; usually it has more to do with it than any other source, and is never entirely submerged by other influences that become sources. Occasionally authorship has more to do with style and diction than all other sources, for some authors scarcely vary their style at all, but treat all subjects alike and meet all occasions in much the same spirit. Personality enters

into everything any one does, so that the personal equation can never be eliminated from literature; even intentional dissemblance always leaves some trace of personality whether in actions or in literature. It is thus that spies are caught and forgers detected.

But the personal element in literature is itself subject to much variation; it varies as much in literature which is a product of life, as in life which produces literature. Various experiences and extraneous influences work great changes in persons, who are thus made to appear like very different persons at different times in life. In like manner these very different persons find very different expression in style and diction of literary productions. Even at any given period of life, a person may appear to those who observe him as a very different person according as he is wrought upon by opposite emotions; he may sometimes even approach a state of fanaticism or ecstasy. The different character in which a person thus temporarily appears will certainly reflect itself in anything he writes upon the subject of his passionate interest, though on other subjects, he may appear in his own ordinary style.

Thus it appears that great and important as is authorship as a source of style and diction, it is by no means a stable and always calculable source.

(b) Subject.

Style and diction proceed oftentimes in large measure from the subject upon which an author writes, as is already evident from the preceding paragraph on authorship. The subject becomes thus an original source of style and diction lying back of the author, but always obliged to pass the author and receive some impress from his individuality.

Every subject has some distinctive features, else it would not be a subject. These distinctive features demand for themselves distinctive expressions, else they will disappear, and so they become original sources of style and diction, always introducing some words or phraseology into the accustomed style of the author or requiring some adaptation of it. In the case of many subjects, this demand for characteristic expression is so slight that authorship, especially, striking and eccentric characteristics of authorship, largely overcome it. Thus some authors treat every subject, indeed, however different one from another, in the same idiosyncratic manner. Thus, it is evident, the effect of subject on style and diction is sometimes very difficult to estimate.

Many subjects have most peculiar distinctive features, which are termed technicalities, or the terminology of the subject. A work on mathematics e.g. leaves very little room for the idiosyncracies of the author. Still less, perhaps, does a work on *Materia Medica*. Botany, because of the brilliant beauty of the objects dealt with, affords greater opportunity for expression of the author's individuality, but even in Botany the terminology gives always a distinctive character to the work, whoever may be its author. So it is with other sciences, with the Law, or with Theology. In every part, indeed, of human knowledge in its present organized expression, i.e. in all technical works, the subject is a very potent original source of style and diction. A most striking illustration of the effect of subject on style and diction is found in comparison of the style of Mark Twain in *Huckleberry Finn*, or almost any of his humorous works, and the style of his argument against Christian Science.

(c) Occasion and purpose.

Style and Diction proceed also from purpose as an original source. I mean not a volitional and conscious purpose of the author, which would be a part of authorship and not an additional source of style and diction, but the circumstantial or providential purpose which arises out of the occasion. A very common and illuminating illustration of the effect of purpose as an original source of style and diction is found in the teaching of the same Bible lesson by the same teacher to a class of little children in the primary department, to another class of boys of thirteen, and to an adult class of mature Christian people. The teacher will be present in each presentation of the subject and some of his idiosyncracies will appear in each case, but, in addition, the providential purpose arising out of the occasion will result in a very marked change in the style and diction in exact proportion to his success in his various efforts. So, there is no author worthy the name who is not able readily to respond to the occasion out of which his literary production arises, that providential element which gives a purpose to his work aside from his own conscious volition.

(d) Medium of composition.

Whatever the ultimate source of style and diction may be in each case, if there be a medium of composition, as an amanuensis or editor, like the ancient scribe or the modern private secretary or special reviewer, it is this latter who is the immediate source. According to the extent of his work is the modification of style and diction which he causes; and to whatever extent, however little, his work reaches, to that extent does he prune away the style of the author and give for the subject and the purpose, not the same expression

which the author would have given, but some modification of it according to the impression which the subject and the purpose have made upon himself as a medium of composition. Style and Diction up to this point of presentation by the author is always the resultant product of a combination of the personal equation in the author himself, imperative demands of the subject for adequate expression and the inspiration which the particular occasion may give to the author as an unconscious impelling purpose to his literary work. In the actual presentation of the author's work to the public there is now often added to all these influences, that, also, of the medium of composition. This is a second transition point by which all the influences which produce style and diction must pass and be modified.

What a difference is oftentimes perceived between the impassioned, jerky, and sometimes almost fragmentary, utterances of statesmen in parliamentary debate and the smooth, orderly, well-rounded periods which his secretary sends to the parliamentary record. How much sometimes of the holy fire of divine eloquence of some golden tongued preacher is missed from the carefully edited volume of his sermons! Thus in much modern literary work the secretary and the editor has a large share in the final form of style and diction.

There is every reason to believe that this influence of the professional "scribe" in modern literary work had a much wider application in Bible lands in Bible times. The sitting scribe, with ready hand and attentive ear, is one of the most characteristic hints of Egyptian literary work as well as one of the most striking works of Egyptian art. The amanuensis employed by Greek and Roman writers and the careful

editing of every speech that has come down from them to us is matter of common knowledge. It is certain, also, that Biblical writers lived in a land and a time of the professional scribe. His employment was more general than that of the private secretary in these days, and does any one think it likely that Moses employed the same scribe and only one for forty years? So well known and universally recognized is this medium of composition, the scribe, the editor and the redactor and what not, that the whole Documentary Theory of the Pentateuch and other portions of the Bible rests upon this fact as one of the fundamental facts upon which the theory is built. Without this basal fact, indeed, that theory and every one like it in any literature, would be impossible as a method of criticism. In this Documentary Theory there are not only the scribes who may have originally taken down the words of the author, but editors and redactors galore who have grouped and combined and modified and supplemented until the work, as it now stands a finished product, differs very materially in style and diction from any one of the documents from which it is conceived to have been constructed. Without in any way discussing here the merits of this application of the influence of the medium of composition, it is certain that in Bible lands in Bible times there was much use made of the scribe as a medium of composition and that consequently there is need to keep watch for the influence of such medium of composition on the finished product. No discussion of the style and diction of a book of the Bible is complete that does not take into account and determine whether and how much the medium had to do with the style and diction.

3. Laws of interpretation of style and diction.

It is seldom possible to be sure that one has observed all the laws of nature bearing upon a subject, much less all the laws of human nature, the laws of the soul. There are at least three laws of interpretation which must in some measure be observed, if there is to be any good degree of accuracy in interpretation of style and diction. Some have observed but one law, the first of the list, and have arbitrarily, by this one law, reached positive conclusions.

(a) The law of consistency.

The first and most fundamental law of interpretation of style and diction in an author is the law of consistency. The natural unconscious or conscious tendency toward consistency is but a part of the law of continuity of nature according to which nature is the same in all ages, the law upon which all scientific investigations ultimately rest, by which we all live and without which neither the senses, the instincts, nor the intuitions would avail us anything in this life. This tendency toward consistency seems to point unerringly to a time when human nature was perfect, for consistency is properly an attribute of perfection. Consistency in imperfect beings is a weakness, it perpetuates our mistakes and always works against any correction.

It is this tendency toward consistency, either unconscious, sub-conscious or conscious, with which we have to deal as a principal law of interpretation of style and diction in literature. It is universally recognized that an author usually strives to be consistent with himself, i.e. he strives after "his own way of saying things." It is this tendency which produces what is called his style. It is his copy-righted trademark of individuality. All there is in style that makes

it recognizable is due to his tendency toward consistency. An author may purpose to endeavor not to be consistent in a particular literary production, but to produce some other style than his own. Like every work of counterfeiting, it is never perfectly done. If one's literary microscope be sufficiently powerful and his skill adequate, something can always be found to expose the attempt at inconsistency. The author tends unconsciously toward "his own way of saying things." Thus the law of consistency becomes the first and most important law of interpretation of style and diction.

(b) The law of variation.

A second law of the interpretation of style and diction is the law of variation. This law is sometimes, indeed quite commonly overlooked. A very little examination of the subject will make the existence and operation of this law clear. The needle of the compass has a law of consistency like the law of style and diction which we have just considered, according to which law the needle consistently points to the great magnet, the magnetic pole. Notwithstanding, some local influence which tends to draw it aside is certain to affect it, and that because of its very nature. There is thus a law of variation as well as a law of consistency in the operation of the needle. The law of variation is in reality only a phase of the law of consistency. For it is because the needle is consistently subject to magnetic influence that it varies from the usual point under special disturbing influences which are able to overcome, in whole or in part, the attraction of the magnetic pole. It is not that local influences *may* thus operate, but where they exist, they always do so operate. There is thus a law of variation, and the law of consistency is consistently subject to this law of variation.

Now, there operates upon the author not only the law of consistency, as we have seen, but, also, the same law of variation. It is not simply that such influences *may* operate to modify the law of consistency in authors, but, where the influences exist, they always do so operate. It is thus a law. Here, also, the law of consistency is consistently subject to the law of variation, and the literary critic must calculate this variation as carefully as does the navigator the variation of the needle. We have already come in sight of this law of variation in considering the influence of subject and purpose as original sources of style and diction. There we noted especially the *fact*, here the *law* that governs the fact. As with the needle, so with the author, this law of variation is in reality a mode of the law of consistency. The author is subject to influences; the greatest and strongest of these is the innate tendency to consistency which turns him to his magnetic pole, but he is subject, also, to local and temporary influences, as subject or purpose, and so becomes subject to the law of variation, which, under certain circumstances is sure to turn him aside from his accustomed style and diction.

This law of variation results sometimes in seeming anomalies. Most authors are liable at times to be capricious, under some exciting influence, and to give off productions wholly dissimilar to their accustomed style and diction. Sometimes this is intentional, to achieve a purpose by a quite unwonted style and diction; more frequently it is unintentional, a kind of obsession of excitement and interest that becomes a law unto itself; it makes men as it were "speak with tongues." Under such special excitement one attains to a certain glibness of tongue and facileness of pen, a

readiness for the grotesque and an ability of characterization not to be recognized as his style at all. He then does things he would not and could not do at another time. Some years ago I went with a friend to the Kircherean Museum in Rome to see the famous *graffiti* entitled "Alexamenus worships his God." There was some difficulty about our admission to the Museum at that time. Under the stimulus of impending disappointment, for it was our only opportunity then to see the antiquity, I pleaded with such earnestness that the guardian of the Museum admitted us. Afterwards my friend said teasingly, "You told me you could not speak French." "Well," I replied, "I cannot, but this time I had to." So, oftentimes, authors under the special influence of great excitement or determined purpose or impending danger or exultant hope are able, as it were, to "speak with tongues," to accomplish literary wonders which, from the style and diction, no one would ever ascribe to them. The second of these variations of style, the intentional effort; not to deceive but to attract attention to a subject or accomplish an over-weening purpose is almost a habit with some authors. They strive after striking expressions and unusual meanings of words for their purposes and give themselves so much to phrase-making that their style is completely changed, the law of variation is merged into the simple law of consistency, until the peculiarity has become a fixed and common style in that author.

Much value is at times ascribed to variation in style and diction, especially in the choice of synonyms, so that it has been regarded as one of the important rules of rhetoric. Who does not know that the fad for avoiding consistency in diction by constant variation

through the use of synonyms in the days of King James was responsible for many obscurities in the translation of the Bible into English? Especially is this so in the closely reasoned Epistles of Paul where the translation of the same Greek word in rapid succession by different synonyms in English has led to much confusion and no little controversy and factions and, sometimes, perhaps, to differences of creed. This was an exaggeration of variation in style to the extent of being a fault and a menace.

But whether the variation is intentional or unintentional, whether an ornament or a detriment, the law of variation in style and diction always exists like the law of the variation of the needle in the compass. So the critic, like the navigator, must always enquire after the actual variation in accordance with the law.

(c) The law of equilibrium.

This last, and, in some respects, most important, law of the interpretation of the significance of style and diction in the determining of authorship is rarely taken into the account. Because it is overlooked, the interpretation of style and diction in terms of authorship becomes very hazardous and unreliable. The reading of the needle of the compass, when it varies because of some distracting influence, does not record the amount of such influence, but the equilibrium between the amount of the distracting influence and the tendency of the needle to point to the true magnetic pole, i.e. between the consistency and the variation of the needle. So the resulting style and diction which comes from different influences bearing upon the tendency toward consistency in the author himself represents not the exact style of the author nor the amount of such distracting influences, i.e. neither con-

sistency nor variation, but an equilibrium between the two, i.e. the style and diction of the author as changed by these distracting influences. Further, the literary critic may be most exacting in his endeavors to estimate the author's real style, i.e. his consistency, by making allowances for the distracting influences, i.e. the variation, but in every case the equilibrium thus decided upon by the critic *is his own*. Whether or not it exactly corresponds to the equilibrium of the author between consistency and variation in his composition *can never be certainly known*. The exactness or inexactness of the critic's estimate depends up the uncertain personal equation of the author, which the critic does not know, and the critic's own personal equation, which is just as little known to himself. Thus literary criticism as it concerns authorship can never be an exact science; it has always limits and uncertainties which vary in inverse ratio as the amount of literature of a given author available for comparison. Where there is but one piece of such literature, and that a small piece, the uncertainty is so great as to make the attempt to give an author's name to style and diction well nigh worthless.

4. It is well now, in the conclusion of the discussion of this subject of the interpretation of style and diction in literary criticism, to gather up the facts observed that we may get a clear view of the value of such interpretation of style and diction and especially in the Pentateuchal books and other portions of the Bible. Having first observed the general value of such interpretation, we can the better estimate the value of its particular application.

(a) Recognition of sources of style and diction.

Recognition of the sources of style and diction is, in

part, easy enough. The subject, even if not stated, is written all over the treatment of it. The occasion, out of which the purpose arose, is usually either stated or is to be gathered from the treatment of the subject. The one definitely uncertain element, when there is no external evidence and all is to be determined from internal evidence, is authorship. To this is to be added, however, the greatly variable element of medium of composition, which in some cases does not exist, in others, has but little influence upon style and diction, and in still other cases, becomes scarcely less important than authorship itself. But to which of these classes an individual instance belongs is always an uncertainty and oftentimes a problem impossible of solution. For the very reason that authorship is such a variable element among the sources of style and diction it is often treated as though it were the only element and the whole question of style and diction treated as having little bearing except upon that authorship. When it is so treated, the value of such interpretation of style and diction in literary criticism is greatly reduced, as much reduced as when any other subject is treated thus partially, omitting the consideration of one or more important elements.

(b) Dangers.

The danger of making mistake in determining the subject in any piece of real literature is nothing; in determining the purpose, usually very small; in determining the author or the influence of the medium of composition and that from internal evidence alone, is very great. What a long, intimate fellowship is necessary in order to know a personality in life, and how often a new trait is discovered in an old friend! Seeing that it is so, it is amazing that some think to

recognize a person unerringly in literature, even to the detecting of an insert of a sentence or phrase or even a word from some other author! Is personality so much more easily recognizable in literature than in life? In fact, the most egregious blunders in the recognition of personality in literature may be made by those who are most competent to avoid mistakes.

An authentic instance of such mistake came to my attention some years ago. Dr. B. and Dr. C. were associated in the editing of a religious newspaper. (These initials appear fictitious but they are authentic; which is another illustration of the indecisiveness of internal literary evidence). Both these men were well known throughout the religious denomination in which their paper was read. Dr. B. was a stern man in discussion, with a direct, incisive, habit of thought and address, and but little given to adornment of what he had to say. Dr. C. was a most jovial and vivacious man, given to flights of imagination and ornateness of expression. The personality of each of these men and many specimens of their writings were known to their reading public. An extended, but unsigned, series of editorials on Systematic Theology was published in the paper of which they were both editors. It so happened that about that time Dr. C. was presented as a candidate for a vacant chair of Systematic Theology, and it was so confidently asserted by those opposed to his candidacy that he was the author of the articles and had written them as a campaign document that it came near defeating his election. Some years afterward, Dr. B. told me, with much amusement, that he wrote the troublesome articles himself and that Dr. C. had nothing whatever to do with them.

If detection of well-known living personalities, from

an extensive literature, by persons well acquainted with both the persons and their writing, is so uncertain, how little is the value of attempts to determine authorship by literary criteria of style and diction, from a single small piece of literature, by an author whose very existence is otherwise unknown!

Thus is proved the thesis already announced, that literary criticism as it concerns authorship can never be an exact science; it has always limits and uncertainties which vary in inverse ratio as the amount of literature of a given author available for comparison. Where there is but one small piece of such literature, and that by an author unknown, even, historically, the uncertainty is so great as to make the attempt to give authorship assignment to style and diction well nigh worthless.

IV. We come now to the examination of the actual marks of Style and Vocabulary which are to be found in these various divisions of the Pentateuch, and to see, as much as such examination may show, how harmonious is the Style and Vocabulary throughout each division. Most elaborate lists of the marks of Style and Vocabulary of the various authors according to the Documentary Theory have been prepared by critical specialists. As the divisions of the Pentateuch according to the Documentary Theory and the divisions according to the KINDS and USES of laws are so nearly identical, it is evident that the various marks pointed out in the divisions according to the Documentary Theory will be found, also, in these divisions according to the KINDS and USES of laws. Accordingly, all the work done in making and recording such lists for the Documentary Theory is available and need not be done again. The *Oxford Hexateuch* presents

most extended lists of such marks of Style and Vocabulary in J, in E, in JE, in D and in P. As these lists are extended to Joshua, and later books of the Bible not included in the present investigation, such references to books other than those of the Pentateuch may be omitted in quotations here. I have, also, prepared, independently, a list of marks of Style and Vocabulary apparent in the Pentateuch, identical in some particulars with the marks pointed out by the Oxford workers and quite different in other particulars. There are, also, some exceedingly interesting things to be pointed out in the lists of the Oxford workers which those lists were not intended to show, *but which they do show*.

1. The lists of the Oxford scholars are available for those who wish to refer to them and need not be quoted in full here. Indeed, the amazement is that they were ever prepared in full. The introduction to the lists says (Vol. II, p. 183): "Some results, however, must be regarded as accidental, but genuine characteristics of style are probably to be seen in 2, 3, 6, 7, 9, etc., on the part of J, and in 95, 96, 99, 102, 104, 105, 107, etc., on the part of E." Why should those not considered "genuine characteristics" be included in a list of characteristics of style at all? Undoubtedly the sight of these marks, not "genuine characteristics," gives an appearance of voluminousness to the few "genuine" marks of style scattered throughout these long lists which these marks do not of themselves have. All these peculiarities of the books of the Pentateuch arising from subject, occasion, or medium of composition, would arise in like manner whatever author had been at work, and so would have been found in the Pentateuch, though each part was by the same author.

What an absurdity it is that such words as "camels," "Canaan," "Goshen" and "flocks" should be included among "marks" in lists intended to show different styles sufficient to prove different authors, as they are included in the Oxford lists! Manifestly any author writing about "camels," "gardens," "Goshen," and "flocks" would use these words. The same remark applies to "Sodom," "three days journey," and a multitude of other words and phrases included in the lists of the *Oxford Hexateuch* (Cf. II, pp. 185-221).

2. To the lists of "genuine characteristics" according to the Oxford scholars, noted above, I will add others selected from their lists, thus unfolding their "*et cetera*" which they do not expand, and I will, also, select a number of references from their lists of "marks" of D and P which seem to be, also, real marks of Style and Vocabulary. In addition, we will see some of those things which these lists show, of which their distinguished authors make no mention, and which it is a fair inference that they did not intend them to show.

The argument from these lists of words and phrases in the lists of the *Oxford Hexateuch* is that the predominant use of them being in JE, or D, or P, they are therefore proved to be marks of the Style of such author or document. Now, on the view presented in these investigations, that the document called P is in reality "statutes" with accompanying narrative and supplying, also, portions of the narrative in Genesis, and that the document called JE is in reality "judgments" with the accompanying narrative, and presenting, also, portions of the narrative in Genesis, and that the document D is the oratorical presentation of all the laws in the speeches of Moses in Deuteronomy, it

is apparent that P, the "statutes" and D, the addresses of Moses in Deuteronomy and the narrative portions accompanying both "statutes" and "judgments" and the narrative in Genesis, were all, in reality, by the same author. Noting these things and then examining these lists of peculiar phrases in the *Oxford Hexateuch* from this standpoint, it is soon seen that a large portion of the words and phrases said to be characteristic of the narrative in J and E and the narratives in P are in reality characteristics of *this one author*, and the argument drawn in the *Oxford Hexateuch* from counting the number of times words and phrases are used gives far more support to this view of the Pentateuch and its origin now presented, than to the Documentary Theory for which it is made. It is so, because all the instances of the use of a word or phrase in the narrative in the Documents and in the "statutes" in P would be added together for *this one author*.

A few examples will make this very clear. Taking from the lists of the *Oxford Hexateuch* words and phrases already specified as "genuine marks" of Style in JE together with some additional instances from the same lists and using for convenience of reference the same numbers as in the Oxford lists we have the following:

2. "According to these words," "the word of" . . . "after this manner" (Heb. *k* and *dabhar*). Omitting the references to Joshua this phrase is found in J 15 times, all in narrative portions of the Pentateuch; in Rje 2 times, in the narrative portions; in D 3 times; in P 1, in narrative. Thus not a single one of these instances occurs in the "judgments" but all of the 20 instances either in D or in the narrative portions of the other books, and thus representing the real author of

the Pentateuch according to KINDS and USES of laws. Thus the argument from this mark of Style and Vocabulary made for the JE Document in the *Oxford Hexateuch* is far stronger for the *one author* of the Pentateuch according to the KINDS and USES of laws.

3. "And it came to pass when" (Heb. *vayehiki*). This phrase is found in J 5 times, all in narrative portions of the law books and in Genesis; in E once, in narrative; and Rd once in narrative; a total of 7 times, none of which occurs in "judgments," but all in the portions which represent the *one author* of the Pentateuch according to KINDS and USES of laws. The argument of the *Oxford Hexateuch* that this phrase is a mark of JE because it occurs 6 times in the portions claimed for that document is not so conclusive as the 7 times it is found here in the *one author* of the Pentateuch, according to the KINDS and USES of laws.

Now that the argument has been given, the examples, including these two already presented, may be tabulated, "A" being used to denote the *one author* of the Pentateuch according to KINDS and USES of laws.

TABULATED LIST OF MARKS OF AUTHORSHIP
COMPARING THOSE OF THE DOCUMENTARY THEORY
WITH THOSE OF KINDS AND USES OF LAWS

COLLECTION 1—J CHARACTERISTICS

| | | |
|-----|--|------|
| 2 | "According to these words" (Heb. <i>ke</i> with <i>dabhar</i>), J 15 times, in narrative; Rje 2 times, in narrative; D 3 times; P 1, in narrative ----- | A 20 |
| 3 | "And it came to pass when" (Heb. <i>vayehiki</i>), J 5, narrative; E 1, narrative, Rd 1, narrative ----- | A 7 |
| 6 | "Before" (ere, not yet— <i>terem</i>), J 9, narrative ----- | A 9 |
| 7 | "To beget" (<i>yalad</i>), J 10, narrative ----- | A 10 |
| 9 | "Behold now" (<i>henah n'e</i>), J 9, narrative ----- | A 9 |
| 12a | "Bow to the earth" (<i>hishtahvah artsah</i>), J 5, narrative; E 3, narrative ----- | A 8 |
| 15a | "Call upon the name of Jehovah" (<i>kero beshem yehovah</i>), J 6, narrative ----- | A 6 |
| 31 | "Find favor" or "grace" (<i>metso hen</i>), J 21, narrative, D 1; P 1 ----- | A 23 |
| 34 | "Flowing with milk and honey" (<i>zabath halabh vadabhash</i>), J 8, narrative; D 6; Ph 1, narrative ----- | A 15 |
| 43 | "Hasten" (<i>mehor</i>), H 16, narrative; E 1, narrative ----- | A 17 |
| 44a | "Hearken" (<i>shem' lekol</i>), J 6, narrative; E 1, narrative; Rje 1 (both a "statute" and a "judgment") ----- | A 8 |
| 64 | "Peradventure" (<i>ulay</i>), J 15, narrative; E 3, narrative ----- | A 18 |
| 85 | "Therefore"; "wherefore" (<i>i ken</i>), J 17, narrative; E 6, narrative; D 8, in narrative, | |

and in "statute" portions, except Deut. XXIV:18 in a "judgment" portion; P 4, narrative and "statute" portions, except Ex. XX:11 in the "Commandments."

Total, 35-----A 33

COLLECTION 2—E CHARACTERISTICS

- 110 "To offer" (*haaleh*), E 9, narrative; J 1 narrative; D 2, in "statute" portions; P 4, in narrative and "statute" portions---A 16
- 111 "On account of" (*alodhoth*), E 5, narrative; J 1, narrative-----A 6
- 112a "One (to) another" (*ish el-ahiv*), E 6, narrative; J 2, narrative; P 9, "statute" and narrative portions-----A 17
- 112b "One to another" (*ishel* or *meth*, or *ben, re-ehu*), E 9, 3 in narrative or "statute" portions, and 6 in "judgment" portions; J 7, narrative; D 2, "judgment" portions; Total, 18-----A 10
- 118 "To suffer" or "to give leave" (*nathan*), E 5, narrative; J 1, narrative; Rje 1, narrative; D 1, narrative-----A 8

COLLECTION 3—JE CHARACTERISTICS

- 121 "Afar off" (*rahok*), JE, 7, narrative; D 5, 3 in narrative, 2 in "judgment" portions; P 1, in "statute" portion. Total, 13----A 11
- 122 "Afflict" (*innah*), JE 10, 9 in narrative, 1 in "judgment" portion; D 7, 4 in narrative, 3 in "judgment" portions. Total, 17 -----A 14
- 128 "Arise" (*kum*), JE 25, narrative; D 5, narrative; P 1, narrative-----A 31

- 139b "To call the name" (*kero shem*), JE 59, narrative; D 2, narrative; P 12, narrative...A 73
- 147a "To draw near" (*nagash*), JE 22, narrative; D 44, 43 in narrative, 1 in "judgment" portion; P 10, 6 in "statute" portions, 4 in narrative. Total, 36A 35
- 164 "Go to" (*habhah*), JE 5, narrative; JE 4, a & b narrative; D 1, narrative.....A 10
- 181 "Make a covenant" (*karath berith*), JE 10, narrative; D 10, 9 in narrative, 1 in "judgment" portion; Rd 1. Total, 21...A 19
- 233a "To be wroth" (*harah 'ph*), JE 17, 16 in narrative, 1 in "judgment" portion; D 5, 3 in narrative, 2 in "judgment" portions; P 1, narrative. Total, 23.....A 21

II. THE DEUTERONOMIC SCHOOL, D

- 13 "Always" (*kol hayyamim*), D 8, 6 in narrative, 2 in "statute" portions; J 2, narrativeA 10
- 15 "All the words of this law" (*eth-kol-dibber hattorah hazzoth*), D 6, 5 in narrative, 1 in "statute" portion.....A 6
- 37a "That which is right in the eyes of Jehovah" (*vesitha hayyashar vehattobh beene yehovah*), D 5, in "statute" portions; Rje 1, in "statute of judgment".....A 6
- 37b "That which is evil" (*hara beene*), D 4, 3 in narrative, 1 in "judgment" portion; P 1, narrative. Total, 5.....A 4
- 46 "Until they were finished" (*adh tummam*), D 5, narrative.....A 5
- 87 "The place which Jehovah shall choose" (*hammakom asher yibhhar yehovah*), D

20, 19 in "statute" portions, 1 in "judgment" portions -----A 19

III. PRIESTLY LAW AND HISTORY BOOK, P

- 50a "Cut off from his people" (*karath min*), P 18, 17 in "statute" portions, 1 in narrative -----A 18
- 50b "Cut off" (*karath*), P 5, 4 in "statute" portions, 1 in narrative; J 1, narrative----A 6
- 50c "To cut off from Israel theocratically" (*hibrith*), P 4, "statute" portions-----A 4
- 86a "To be holy" (*kadash qal*), P 6, 5 in "statute" portions, 1 in narrative-----A 6
- 86b "To be sanctified" (*kadash, niphal*), P 4, 3 in "statute" portions, 1 in narrative----A 4
- 86c "To sanctify" (*kadash, piel*), P 32, 28 in "statute" portions, 2 in "judgment" portions ("Commandments"), 2 in narrative; J 3, in narrative; E 2, "judgment" portions (commandments). Total, 37--A 33
- 86d "To sanctify" (*kadash, hiphil*), P 15, 14 in "statute" portions, 1 in narrative-----A 15
- 86e "To sanctify" (*kadash, hithpaal*), P 2, in "statute" portion; J 2, 1 in "statute" portion and 1 in narrative-----A 4

These lists, particularly that of P, could be greatly extended, but these are quite sufficient to make comparison between the evidence which they bear as marks of Style in the Documentary Theory and in these divisions according to the KINDS and USES of laws. Whatever evidence these words and phrases give for the Style of J, E, JE, D and P, they give equal evidence, in every instance, but one, for the Style of the one

author of the Pentateuch; in most instances they provide stronger evidence for the one author. In detail the comparison of evidence is as follows:

Of the 11 examples taken from J characteristics, in 7 the evidence is stronger for the one author, A, in the following ratios respectively: 8 to 5, 23 to 21, 15 to 8, 17 to 16, 8 to 6, 18 to 15, 33 to 17. In all the five examples taken from E characteristics, the evidence is stronger for A as follows: 16 to 9, 6 to 5, 17 to 6, 10 to 9, 8 to 5. In the 8 examples of JE characteristics, all give greater evidence for the Style of A, as follows: 11 to 7, 14 to 10, 31 to 35, 73 to 59, 35 to 22, 10 to 4, 19 to 10, 21 to 17. In the 6 examples cited from D as evidence of Style, 2 give equal evidence for A, as follows: 10 to 8, 6 to 5; 1 gives greater evidence for D than for A, 20 to 19. In the 8 examples cited from P as characteristics of Style, 5 give equal evidence for A, 3 others give greater evidence for A, as follows: 6 to 5, 33 to 32, 4 to 2.

3. In addition to this examination of the "genuine marks of Style" pointed out by advocates of the Documentary Theory in the *Oxford Hexateuch* and the comparison of the evidence they furnish for the Style of J, E, JE, D and P with the evidence which the same data furnishes for one author, A, of the narrative and the "statute" portions, according to KINDS and USES of laws, I have, also, conducted an independent investigation into what seem to be "genuine characteristics of Style" in the "statute" portions and in the "judgment" portions of the Pentateuch. I have not made any attempt to show every instance in which these characteristic words and phrases occur in the various divisions of the Pentateuch according to KINDS and USES of laws, but only such and suffi-

cient examples as make perfectly apparent how really characteristic these words and phrases are of the portions in which they occur, how they stand out in a way to be very patent, and so to produce that subtle, yet definite and indisputable, impression of style upon the reader. For after all, style at the last analysis, is not determined by counting words and making mathematical comparisons, for mathematical proportions often make little or no impression upon the mind, but by that subtle something in words and phrases which leaves an ineffacable impression upon the mental sensorium. It was so that Dickens in his novels was wont to distinguish, and identify unmistakably, his characters by some peculiar word or phrase so that "something turn up" stands for MacCawber for all time in English literature, and "the dearest girl" brings up visions of Dora. Mathematical calculations and comparisons would show that many common words occur vastly more frequently in these same books of the novelist than do these expressions, but they make no impression whatever of style upon the reader of Dickens, and in fact constitute no element of style. So, in the *Pentateuch*, the counting of the number of times a word or phrase is used, as in the *Oxford Hexateuch*, of such expressions as "the tenth part," "these are," "this is," "also," does not indicate a tithe of the impression left on the mind of the reader that is produced by such words and phrases as "mine angel," "know by name" and "abomination" which yet occur but a few times in comparison with these words and phrases mentioned (Cf. lists, p. 182f).

4. In addition to these "genuine characteristics of style," there are many other words and phrases found in these various divisions of the *Pentateuch* which

should be noted here. The absurdity of listing such words as "camel," "garden," etc., in a discussion of style has been pointed out, but it is not without reason that these and many other such words and phrases are listed in the *Oxford Hexateuch* and elsewhere as characteristics of the style of the various alleged Documents. It is there expressly admitted that these arise from the *subject under discussion* (*Oxford Hexateuch* I p. 183). But the distinguished collaborators on the *Oxford Hexateuch* felt the necessity of keeping these words as characteristics of the style of that part of the Pentateuch, and no wonder. In fact, it is not the "genuine characteristics" of "style" which make the difference between the various divisions of the Pentateuch so patent, but the multitude of these words and phrases of such frequent use, which arise not in any sense from any peculiarity of the author's style, but wholly from the subject and the purpose. While these words and phrases are not marks of the author's style, for any other author, writing on the same subject, would use them, they do greatly help to differentiate the literary production from any other, even by the same author. The admission of these words into the lists of evidence for style and the implied acknowledgment that they are of such very great frequency (*Oxford Hexateuch*, I, pp. 183-4) is in reality a betrayal of the weakness of the argument for the Documentary Theory drawn from the style of the various supposed authors. If there had been a great and sufficient number of "genuine characteristics of style," does any one suppose for a moment that these admittedly not "genuine characteristics," but arising out of subject and circumstances, would have been lugged in to swell the volume and impressiveness of the lists? Since it

is these words and phrases arising from the subject and the purpose which so patently differentiate the divisions of the Pentateuch rather than the "genuine characteristics of style" and are included here in the Oxford lists to that end, there is then no argument here for different authors at all. One author would find occasion for the use of the same words that arise out of subject and purpose, *just as much as various authors*. Yet the *Oxford Hexateuch* cites them to differentiate the Documents by the voluminousness and impressiveness of the evidence, at the same time trying to save logical consistency by discarding them by a phrase in the introduction as not "genuine characteristics"! This makes one think of the man who had ridden a humble, patient donkey near to the crest of the mountain and then discards the beast that has borne him on the journey and walks out on the summit with the air of a successful mountain climber.

Lists of some good portion of these peculiar words and phrases arising out of the subject, and in some measure from the particular purpose, of the author in the use of that subject in different parts of the Pentateuch (as the purpose of the orator in Deuteronomy), will make clear how much the subject and these other allied influences have to do with differences of diction in the different parts of the Pentateuch. And the consecutive reading of the portions which belong to the various divisions of the Pentateuch will incidentally bring out and emphasize the fact that *it is the subject above everything else* that produces and brings before our notice most of the differences of diction in different parts of the Pentateuch.

Some of the genuine characteristics of the author of the Pentateuch found in all the parts that represent his

own style, and, also, some striking peculiarities that arrest the attention, and which arise, not from the peculiar style of the author, but from the demands of the subject discussed and the purpose immediately in view are as follows:

(a) Genuine Characteristics of Style of A in "statute" portions.

"An offering made by fire unto the Lord (Jehovah)"

Lev. VII:5, 30, 35; XXIII:37; XXIV:7.

"Afflict your souls," Lev. XVI:31.

"Abomination," Lev. XI:12, 13, 20, 23, 41, 42. Exception, Lev. XX:13; a "judgment."

"For a memorial," Ex. XXVIII:12, XXXIX:7, Lev. II:9, 16, VI:15.

"Without blemish," Lev. III:6, IV:3, 28, 32, V:15, IX:3, XXI:17, 20, 21, XXII:19, XXIII:12.

"Make an atonement," Ex. XXX:10, Lev. I:4, IV:26, 31, 35, V:6, 13, 16, 18, VI:7, VIII:34, IX:7, X:17, XII:7-8, XIV:18, 19, 20, 21, 29, 31, 53, XV:15, XVI:6, 10, 11, Num. XV:25.

"The stranger," Num. III:38, XV:14, 15, 26, 29, XVI:40, XVIII:7.

"Number, numbered," Num. III:39-40, IV:34, 38, 41, 42, 44, 45, 46.

"After his kind," Lev. XI:14, 15, 16, 19, 22, 29.

(b) Characteristics of "statute" portions arising from Subject or Purpose, and representing A.

"Tabernacle of the Testimony," Ex. XXXVIII:21, Num. I:53, III:7, 8, 25, 38, IV:3, 15, 30, 35, 37, 39, 43, 47.

"Covenant," Ex. XXXIV:10, 12, 27, 28.

"Unclean," "uncleanness," Lev. V:2, 3, VII:20, 21, X:10, XI:4-5, 6, 7, 8, 24, 25, 26, 27, 29, 31, 32-36, 38-40, 43, 47, XIII:3, 8, 11, 14, 15, 20, 22,

36, 45, 46, 51, 55, 59, XIV:19, 36, 44-46, 57, etc.
 "Any manner," "No manner," Lev. VII:26, 27, XI:
 44, XIV:54, XVII:10, XXIII:31.

"Tabernacle of the congregation," "tent of meeting,"
 Lev. VIII:4, 31, IX:23, X:7, 9, XII:6, XIV:11,
 23, XVI:16, Num. II:2, III:7, 8, 25, 38, IV:3,
 15, 30, 35, 37, 39, 43, 47, etc.

"Jehovah," Lev. XV:1, XVIII:5, XIX:3, 24, XX:7,
 8, 26, XXI:1, XXII:3, 15, 16, 18, 21, 22, XXII:
 27, XXIII:8, 9, 11, 16, 18, 20, 26, 36-44, XXVII:
 16, 23, 26, 28, 32, 34, Num. II:33-34, III:13, 41,
 42, 45, 51, VI:8, 16, 17, 20, 24, 25-26, VII:3,
 VIII:11, IX:8, 13, 19, 20, 23, X:33-36, XI:1-3,
 10, 11, 18, 20, 29, XII:2, 8, 13, 14, XIII:3, XIV:
 3, 8, 10, 11, 13, 16, 18, 20, 26, 28, 40, 41, 43, 44,
 XV:22-23, 41, XVI:41, XXII:18-19, 22, 24-28,
 31-32, XXIII:3, XXVI:65, XXVIII:8, 11, 13,
 15-16, XXIX:2, 8, 36, XXX:3, 5, 8, XXXI:3,
 XXXII:7, 10, 13, 20-23, and very many other
 places.

(c) Characteristics of "statute" portions arising
 from the special purpose which called for Descriptive
 language, representing A.

Description of the Tabernacle and its furniture. For
 the most part one reference only will be cited.

"Give willingly," Ex. XXV:2.

"Pattern," Ex. XXV:9.

"Cubit," Ex. XXV:10.

"Talent," Ex. XXV:39.

"Cunning Work," Ex. XXVI:1.

"Boards," Ex. XXVI:23.

"Curtains," Ex. XXVI:3.

"Hangings," Ex. XXVII:9.

"Various metals," Ex. XXV:3.

- "Embroider," Ex. XXVIII:39.
- "Hallow," Ex. XXIX:1.
- "Fine twined linen," Ex. XXVI:1.
- "Various colors," Ex. XXV:4-5.
- "Ram's skins," Ex. XXV:5.
- "Various precious stones," Ex. XXV:7.
- "Shittim wood," Ex. XXV:13.
- "Rings," Ex. XXV:12.
- "Cherubim," Ex. XXV:18.
- "Wings," Ex. XXV:20.
- "Knops," Ex. XXV:36.
- "Needle work," Ex. XXVII:16.
- "Bell," Ex. XXVIII:34.
- "Incense," Ex. XXV:6.
- "Shew Bread," Ex. XXV:30.
- "Altar," Ex. XXVII:1.
- "Laver," Ex. XXX:18.
- "Ark," Ex. XXV:10.
- "Holy" (place), Ex. XXVI:33, Lev. VI:16.
- "Most Holy" (place), Ex. XXVI:33.
- "Glory," Ex. XL:34.

DESCRIPTION OF FESTIVALS

- "Sabbath," Ex. XX:8-11, XXXI:12-17, Lev. XXIII:1-3, Cf. also Ex. XXIII:10-12, Lev. XXV:1-7.
- "New moon," or "Trumpets," Num. XXVIII:11-15, XXIX:1-6, Cf. Num. X:10, XXVIII:11.
- "Year of Jubilee," Lev. XXV:8-17, XXVII:16-25.
- "Passover," Ex. XII:1-28, XXIII:15, Lev. XXIII:4-8, Num. XXVIII:16-25, Deut. XVI:1.
- "Feasts of weeks," Ex. XXXIV:22, Lev. XXIII:15, Num. XXVIII:26, Deut. XVI:10-12.
- "Day of atonement," Lev. XVI:1-34, Ex. XXX:10.
- "Feast of Tabernacles," Lev. XXIII:34.

"Holy convocation," a name given to many of these festivals.

DESCRIPTION OF SACRIFICES

"The burnt offering," "kill," Lev. I:5; "without blemish," Lev. I:3; "hand upon the head," Lev. I:5; "flay," Lev. I:6; "into his pieces," Lev. I:6; "In order," Lev. I:7; "inwards," Lev. I:9; "sweet savour," Lev. I:9; "flocks," Lev. I:10; "fat," Lev. I:12. It is to be noted that all these words concerning the burnt offering occur within so few verses, thus making marked distinction in the diction.

"The sin offering," Lev. IV:3; "bullock," Lev. IV:4; "dip finger," Lev. IV:6; "sprinkle," Lev. IV:6; "horns of the altar," Lev. IV:7; "fat," Lev. IV:8; "without the camp," Lev. IV:12; "ashes," Lev. IV:12; "kid of the goats," Lev. IV:23.

"The peace offering," Lev. III:1; "kidneys," Lev. III:4, 10.

"Trespass," "trespass offering," Lev. VI:2, 5.

"Meat offering," Lev. VI:14; "sweet savour," Lev. VI:15; "bake," Lev. VI:17; "leaven," Lev. VI:17.

"Heave offering," Num. XVIII:19; Cf. Lev. XXII:10, also Ex. XXV:2.

"Wave offering," Lev. VII:30, Ex. XXIX:26.

"Scape-goat," Lev. XVI:7-28.

DESCRIPTION OF CEREMONIES

Atonement; "present before the Lord," "presented alive before the Lord," "within the vail," "incense upon the fire before the Lord," "make atonement," "upon the horns of the altar," "live

- goat," "into a land not inhabited," Lev. XVI.
 Consecration of Aaron and his sons; "coat,"
 "girdle," "robe," "girded," "breastplate,"
 "anointing-oil," "sanctify," Lev. VIII.
 Setting up of the Tabernacle; "set," "set in order,"
 "hangings," "anoint," "spread abroad," Ex.
 XL.
 Making camp; "pitch by own standard," "far off
 about the Tabernacle," "the standard of," "pitch
 next unto him," "standard of the camp of,"
 "numbered of them," Num. II:1-16.
 Forming the march; "set forward," "on the west
 side, north side, etc.," "that were numbered,"
 "encamped by," Num. II:17-34.
 The testing of the rods; "a rod apiece," "laid up,"
 budded," "brought forth buds," "every man his
 rod," Num. XVII:6-9.

DESCRIPTION OF THE VESTMENTS

- The robe of the High Priest; "hole in the midst,"
 "hems of the robe," Ex. XXXIX:22-26.
 The ephod; "thin plates," "wires," "cunning work,"
 "shoulder pieces," "to couple it," "curious
 girdle," Ex. XXXIX:1-5.
 The breast-plate; "cunning work," "foursquare,"
 "rows," "wreathen," "work," Ex. XXXIX:8-21.
 The miter; Lev. VIII:9.

FLORID DESCRIPTION OF A GENERAL CHARACTER

- "Waste howling wilderness," Deut. XXXII:10.
 "As the eagle stirreth up her nest, fluttereth over her
 young, etc.," Deut. XXII:11.
 Description of the symptoms of leprosy, Lev. XIII.
 Description of clean and unclean beasts; "parteth

the hoof," "cloven footed," "cheweth the cud," Lev. XI:3-7; "fins and scales," Lev. XI:9-10; names of birds, Lev. XI:13-19; "flying creeping thing that goeth upon all four," Lev. XI: 21-23; "paws," Lev. XI:27.

(d) Characteristics of style in the "judgment" portions of the Pentateuch, arising out of subject and purpose and not representing A.

In the "judgment" portions of the Pentateuch there are a multitude of words and phrases denoting crimes and penalties and personal and property rights and wrongs. These all arise out of the subject and the purpose, and while they greatly affect the diction and so the general qualities of style and more than anything else give characteristic literary tone to these portions, and make them to appear so different from the "statute portions," yet indicate nothing whatever concerning the Author. Any author writing on these subjects and with the same purpose would use these words and phrases. It will be sufficient to mention a few of the vast number of these expressions, as follows:

"Life for life," Ex. XXI:23.

"Oath of the Lord," Ex. XXII:11.

"If," introducing a penalty for crime, Lev. XXII: 14-17; this same formulary is most frequent in the Code of Khammurabi.

"Smite," Ex. XXI:12, 18, 20, 26, 27.

"Shall surely die," Ex. XXI:15 and many places.

"Presumptuously," Ex. XXI:14.

"Guile," Ex. XXI:14.

"Stealth," Ex. XXI:16, XXII:1.

"Curseth," Ex. XXI:17, XXII:28.

"Punish," Ex. XXI:20, 22.

"Strive," Ex. XXI:22.

"Ransom," Ex. XXI:30.

"Thief," Ex. XXII:2.

"Restitution," Ex. XXII:5-6.

"Entice," Ex. XXII:16.

"Lie with," Ex. XXII:19.

"Afflict," Ex. XXII:22.

"Lend," Ex. XXII:25.

"Usurer," "usury," Ex. XXII:25.

Concerning all these peculiar characteristics of diction in the various portions of the Pentateuch it may be said, "Of course these words and phrases occur in these various portions of the Pentateuch because they are severally needed in order to discuss the several subjects of the various portions and to serve the purposes in view." Yes, "of course"; they are not needed to discuss the subjects treated in the other portions of the Pentateuch or to serve the purposes in mind there, which is simply to say that the subject and the purpose each has very much to do with the diction and it is such frequent recurrence of such peculiarities of diction that more than anything else makes the peculiar and most patent difference between one portion of the Pentateuch and another, and which difference has been attributed to the peculiarities of different authors. These are the peculiarities and not those which men pick up so carefully and list as marks of authorship, which really impress the reader of the various so-called documents of the Pentateuch. That they do make greatly different impressions on the mind of the reader cannot be denied, does not need to be denied, and moreover it is these glaring and most manifest differences that make the impression and not the subtle

distinctions that have to be sought so painstakingly by critics and are never observed by the reader at all until pointed out in the lists of "marks of authorship" as proofs of the various Documents.

It is now possible to assemble the vast materials of this investigation in such fashion as to observe clearly and with accuracy the harmoniousness of Style and Diction in the several divisions of the Pentateuch according to KINDS and USES of laws, and to determine whether or not the harmoniousness is such as to satisfy all the requirements of the division on the supposition that it is correct, and thus answer the question with which this Fifth investigation set out.

There is first of all that general harmoniousness in the divisions according to KINDS and USES of laws which the various kinds and several uses demand; the "judgment" portions are uniformly of the same terse, succinct, literary character; the "statutory" portions are equally uniformly in the more florid, verbose, descriptive style; the different laws are well adapted to the various uses for which they were intended, the "judgments" to be memorized and the "statutes" to be used as written directions to be studied and followed by the priests; and further, the second law, Deuteronomy, is admirably adapted to the hortatory use for which it was intended.

There is likewise most manifest harmoniousness throughout the various passages representing the various classes of diction employed in the different KINDS of laws for the various USES to which they were put. Not only is there to be found those "genuine marks" pointed out in the corresponding divisions of the Documentary Theory, characteristics which do distinguish the Statutory portions, the so-called P Doc-

ument on the one hand, and the "judgment" portions, the so-called JE Document on the other hand, but in addition there is the vast number of expressions arising, not from authorship, but wholly from subject and purpose. There is thus the harmoniousness of Style throughout, or as better stated, that uniform appropriateness in the Style and Diction of the various divisions that satisfies every reasonable literary demand.

Last of all, A, the author of the Pentateuch according to the division according to KINDS and USES of laws, is completely harmonious throughout as an author; the "statute" portions manifesting an unvarying literary uniformity, and the narrative portions which, also, are by him, bearing the same general literary characteristics, just as, indeed, it is claimed for the P Document which represents, in its entirety, the same portions of the Pentateuch. Thus A is seen, in the various particular portions of the Pentateuch, to be entirely consistent with himself in literary characteristics. The "judgment" portions, the so-called JE Document, are equally consistently harmonious in Style and Diction and consistently different, also, from the portions which should properly bear the literary marks of A.

Thus, in every respect, the harmoniousness and consistency in Style and Diction in the divisions according to KINDS and USES of laws is just what should properly be expected. And thus, also, the division of the Pentateuch according to KINDS and USES of laws does completely answer the question with which this Fifth investigation sets out, whether or not such divisions were sufficient to account for the differences of Style and Diction actually found in the various parts of the Pentateuch.

CHAPTER VI

SIXTH INVESTIGATION

COMPLETE EXAMINATION OF THE TECHNICAL USE OF THESE LAW WORDS IN ALL THE REMAINING BOOKS OF THE OLD TESTAMENT

Examination of the technical use of these law words in the law books being now completed, another question naturally arises immediately for investigation; Is the technical use of these law words found elsewhere in the Old Testament, and if so, where? This is not purely an academic question, much less a question of vain curiosity. It is evident in advance that the answer to this question may present an historical test of the correctness of the solution of the Problem of the Pentateuch which has been now presented as well as an additional test of the Documentary Theory, or it may not present such tests at all. The outcome depends upon what the investigation shall show. If the technical use of these law words is found nowhere else in the Old Testament, such use in the Pentateuch will be the more significant; if it be found equally everywhere throughout the Old Testament it will still be significant, but not so strikingly so; if the technical use is found in some parts of the Old Testament and not in others it may conceivably favor the Documentary Theory or may prove entirely neutral in its significance. We shall see what we shall see.

The complete answer to the question proposed in this investigation involves the examination of every passage in the remaining books of the Old Testament in which these technical law words are used and the classification of the different senses in which the words are used in the various instances. To this task let us now proceed.

I. GENESIS

1. Judgments.

- A. Technical use; no instances.
- B. Common or general sense of "judging" or "rendering judgment," XVIII:19.
- C. In the sense of "judging right," XVIII:25.
- D. In the sense of "manner," XL:13.

2. Statutes.

- A. In the technical sense, no instances.
- B. In the same sense as that in the technical use of the word, but without reference to any particular law, XXVI:5 *khuqqah*, XLVII:26, *khoq*.
- C. In the sense of "portion," XLVII:22 (2), *khoq*.

3. Commandments.

No instances.

II. JOB

1. Judgments.

- A. In the technical sense, no instances.
- B. In the sense of "just conduct," VIII:3; joined with "justice" in the poetic parallel.
- C. "Judging" IX:19, 32; XVI:3, XXII:4, XXIX:14, XXXIV:23; XXXVI:17 (2); XXXVII:23.
- D. "Cause" (AV), XIII:18, XXIII:4; XXXI:13.
- E. In the sense of "judicial action," XIV:3; XIX:7,

XXXII:9, XXXIV:5, XXXIV:12.

F. "Right," (AV), XXVII:2, XXXIV:6, XXXV:2, XXXVI:6, XL:8.

2. Statutes.

A. Technical meaning and use, no instances.

B. In the same sense as the technical meaning of the word, but with no reference to the Law, *khoq*, XIV:5, 13; XXIII:12, 14; XXVI:10; XXVIII:20; XXXVIII:10; *khuggah*, XXXVIII:33.

C. "Portion," *khoq*, XXIII:2.

3. Commandments.

A. In the technical sense and use, no instances.

B. In the general sense, XXIII:12.

III. JOSHUA

1. Judgments.

A. In the technical sense, XXIV:25 (?), and in the technical use, but not in reference to the "judgments" of the Pentateuch, but rather to a new law as both a "statute" and a "judgment."

B. In the sense of "judging," or acting the part of a judge, XX:6.

C. "Manner," with *k*, VI:15.

2. Statutes.

A. In the technical sense and use, *khoq*, XXIV:25, but not with reference to any law of the Pentateuch, but rather to a new law, a "statute."

3. Commandments.

A. In the technical sense and use, XXII:5.

B. In general sense, XXII:3.

IV. JUDGES

1. Judgments.

A. In the technical meaning and use; no instances.

- B. "Judging," "rendering judgment," IV:15.
- C. "Manner," XIII:12, XVIII:7.
- 2. Statutes.
 - A. In the technical meaning and use; no instances.
 - B. Same sense as the technical meaning, but without reference to the Law and translated "custom" in AV, *khoq*, XI:39.
- 3. Commandments.
 - A. In the technical sense and use probably III:4.
 - B. General sense, II:17.

V. RUTH

- 1. Judgments.
 - No instances.
- 2. Statutes.
 - No instances.
- 3. Commandments.
 - No instances.

VI. I SAMUEL

- 1. Judgments.
 - A. In the technical meaning and use, no instances.
 - B. In the technical sense, but not the technical use of the word, XXX:25. This passage makes no reference to the Law, but clearly reveals a knowledge of the distinction between "judgments" and "statutes." Cf. below, Statutes, B.
 - C. "Judging," VII:3.
 - D. "Manner," (AV), VIII:9, 11; X:25.
 - E. "Custom," (AV), II:13.
- 2. Statutes.
 - A. In the technical sense and use; no instances.
 - B. In the technical sense, but not the technical use of the word, *khoq*, XXX:25, with no reference

to the Law, but clearly betraying the knowledge of the technical distinction between "judgments" and "statutes." Cf. above, Judgments, B.

3. Commandments.

A. In the technical meaning and use; no instances.

B. In the general sense, XIII:13.

VII. II SAMUEL

1. Judgments.

A. In the technical meaning and use, XXII:23. This passage has apparently the technical meaning and use of the word "judgment," but it is one of the Davidic Psalms and the further use of this word in the Davidic Psalms does not warrant the classing of this as an instance of the technical meaning and use of the word, or of the word "statutes" accompanying. Cf. the word "judgments" in the Psalms.

B. "Judging," VIII:15.

C. Judicial decision, XV:2, XV:6.

2. Statutes.

A. In the technical meaning and use, XXII:23. Cf. above, "judgment."

3. Commandments.

No instances.

VIII. I KINGS

1. Judgments.

A. In the technical meaning and use, VI:12 (with statutes and commandments), IX:4; VI:12, in each case in a distinct message from God. There is no indication from the literature of the time that the people knew and made use of this dis-

tion in the technical use of words. II:3, from the words of David also makes use of the formula "statutes, commandments, judgments and testimonies," but most probably in the same way as the formula is used in the Davidic Psalms, where the technical distinction is not observed (Cf. X, Psalms). Perhaps it would be more correct to class all these instances of the use of the word "judgments" as,

- B. In the technical meaning, but not technical use of the word, i.e. with no specific reference to the Law.
- C. Judging right, III:11, 28 (2), X:9.
- D. "Cause" (AV), VIII:45, 49, 59.
- E. Sentence, XX:40.
- F. "Charge" (AV), IV:28 (Heb. V:8).
- G. "Manner" (AV), XVIII:28.
- H. "Fashion" (AV), or "ordinances" (RV margin) VI:38, with no reference to the law.
- 2. Statutes.
 - A. In technical meaning and use, *khuyyqah*, III:3, 14; VIII:58, VI:12; IX:4, 6; XI:11, 33, 38; VI:12. (Cf. above, "judgments," A).
- 3. Commandments.
 - A. In the technical sense and use, II:3; III:14; VI:12; VIII:58, 61; IX:6; XI:34, 38; XIV:8, probably (Cf. above, "judgments," A, and "statutes," A). Also XVIII:18 probably in the technical sense and use.
 - B. In the general sense, II:43, XIII:21.

IX. II KINGS

- 1. Judgments.
 - A. In the technical meaning and use, XVII:34, 37.

The technical meaning of the word seems plain enough, but it is not at all certain that it has, in these cases, the technical use, i.e. that its use is any more than a quotation of the Law term found in the Pentateuch.

- B. "Judging," XXV:6.
 - C. "Manner," (AV) I:7; XI:14 (with *k*), XVII:26 (2), 27, 33, 34, 40.
2. Statutes.
- A. In the technical meaning and use, *khuqqah*, XVII:13, 34, 37 (Cf. above, "judgments," A).
 - B. An appointed regulation, but not a reference to the Law of Israel, *khuqqah*, XVII:8.
3. Commandments.
- A. In the technical meaning and use, XVII:13, 34, 37 (Cf. above, "judgments," A). XVII:16-17, probably XVIII:6; XXIII:3.
 - B. In the general sense XVII:34, 37. Though mentioned with "statutes" and "judgments" in the technical sense "commandments" seems evidently used as "law" which immediately precedes it. XVII:37.

X. PSALMS

The Psalms were written by various persons from David onward to the time of the return from Exile and were probably collected into their present order and form in the days of Ezra and under his supervision. The whole collection as it now stands will be examined at this time for the technical use of the law words, and the discussion of the significance of the instances of such use in the various Psalms reserved for the final estimate of the significance of the results of this in-

vestigation throughout all the books of the Old Testament.

1. Judgments.

- A. In the technical meaning and use, apparently in XVIII:22 (Heb. 23) Cf. II Sam. XXII, CXLVII:19. Possibly also X:5, though this use of the word seems rather to refer to God's righteous requirements, but not to the law specifically.
- B. In the technical meaning, but not use, i.e. without any reference to the Law, IX:16 (Heb. 27), IX:8, XXV:9; LXXVI:9 (Heb. 11); CXLIX:9, CXIX:175; CXXII:5.
- C. "Judging," VII:6 (Heb. 7), XCIV:15, CXIX:84.
- D. Right Judging, XXXVII:28; XCIX:4 (2); CVI:3, synonymous with righteousness, CXIX:121; CXLVI:7; LXXII:2, I:5; XXXIII:5, LXXXIX:14 (Heb. 15), XCVII:2; XXXVII:6; CXIX:149; CXIX:43, CI:1; CXI:7; CXIX:160, (Poetic parallel, "word"), CIII:69, XIX:9 (Heb. 10), (Poetic parallel, "fear"), CV:5, XXXVI:6 (Heb. 7), XLVIII:11 (Heb. 12); LXXII:1; XCVII:8, CXIX:108, 156, 91, 102, 120, CV:7.
- E. Discretion, parallel, "wisdom," XXXVII:30; CXII:5.
- F. Custom, "manner," with "k," CXIX:132.
- G. "Right" (AV), CXL:12 (Heb. 13); IX:4 (Heb. 5).
- H. "Sentence" (AV), XVII:2.
- I. Cause, parallel, "cause" (AV) XXXV:23, (with "b").
- J. In general reference to God's law, CXIX:7, 13, 62, 108, 164; LXXXIX:30 (Heb. 31).

2. Statutes.

- A. In the technical meaning and use; *khoq*, CXLVII:19, *khuqqah*, LXXXIX:31 (Heb. 32), XVIII:22 (Heb. 23).
- B. "Decree" (AV), *khoq* II:7, CXLVIII:6.
- C. Divine direction; technical meaning, but not use (i.e. no specific reference to the Pentateuch); *khoq*, LXXX:4 (Heb. 5); XCIX:7; L:16; CXIX:5, 8, 12, 26, 33, 54, 64, 68, 71, 83, 112, 135, 145, 155, 171, 23, 48, 80, 117, 124, 118; CV:45, *khuqqah*, CXIX:16. (Usage of Psalm CXIX with its frequent use of the words *mishpatim* and *khoq* does not indicate any technical use of these words).
- D. "Law" (AV), *khoq*, XCIV:20; CV:10 (Parallel, "covenant").

3. Commandments.

- A. In the technical meaning and use, LXXXIX:31 (Heb. 32).
- B. In the general sense, XIX:8 (Heb. 9); CXIX:96, 115, 6, 19, 32, 35, 48, 60, 73, 86, 98, 127, 143, 151, 172, 176, 47, 66, 166, 131, 10, 21; CXII:1; LXXVIII:7.

XI. PROVERBS

1. Judgments.

- A. In the technical meaning and use; no instances.
- B. "Righteousness," Decision II:8; VIII:20, XVI:10 (Heb. 11).
- C. "Right" (AV), XII:5; XVI:8.
- D. Good judgment, XIII:23.
- E. Judicial decision, but not in the technical use, XVIII:5; XVII:23.

F. Right judging, XIX:28; XXI:7; XXI:15;
XXVIII:5; XXIX:4, 1:3; II:9; XXI:3.

G. Judging, XVI:10; XXIV:23.

H. Final outcome, XXIX:26.

2. Statutes.

A. In the technical meaning and use; no instances.

B. "Portion" (AV), *khoq*, XXXI:15.

C. "Decree" (AV), *khoq*, VIII:29.

3. Commandments.

A. In the technical meaning and use; no instances.

B. In the general sense, VI:23; XIII:13; XIX:16;
VI:20; X:8; IV:4; VII:2; II:1; III:1; VII:
1 (2).

XII. ECCLESIASTES

1. Judgments.

A. In the technical meaning and use; no instances.

B. Judging, V:8 (Heb. 7), III:16.

C. Judicial action, XII:14; XI:9; VIII:5, 6.

2. Statutes.

A. In the technical meaning and use; no instances.

3. Commandments.

A. In the technical meaning and use; no instances.

B. In the general sense, VIII:5; XII:13.

XIII. SONG OF SOLOMON

1. Judgments.

No instances of the use of this word.

2. Statutes.

No instances.

3. Commandments.

No instances.

XIV. JONAH

1. Judgments.

No instances.

2. Statutes.
No instances.
3. Commandments.
No instances.

XV. JOEL

1. Judgments.
No instances.
2. Statutes.
No instances.
3. Commandments.
No instances.

XVI. AMOS

1. Judgments.
 - A. In the technical meaning and use; no instances.
 - B. Right judging, V:7, 15, 24; VI:12.
2. Statutes.
 - A. In the technical meaning and use; no instances.
 - B. "Commandments" (AV), *khoq*, II:4.
3. Commandments.
 - A. In the technical meaning and use; no instances.

XVII. HOSEA

1. Judgments.
 - A. In the technical meaning and use; no instances.
 - B. Right judging, II:19 (Heb. 21); XII:6 (Heb. 7); VI:5.
 - C. Judgment upon a man, V:1; X:4.
 - D. Demonstration of justice, V:11.
2. Statutes.
No instances of the use of the word.
3. Commandments.
No instances of the use of the word.

XVIII. ISAIAH

1. Judgments.

- A. In the technical meaning and use, XXVI:8, seemingly in the technical meaning and use, though this sense of the word here is not in accord with the frequent use of the word throughout Isaiah.
- B. Right judging, I:17, 21; XVI:5; XXVIII:6 (2); XLII:1, 3, 4; XXXVI:1; LIX:14, 15; IX:7; V:7; LIV:17; LIII:8; X:2; XLIX:4; LI:4.
- C. Calamity, IV:4.
- D. Righteousness, XXVIII:17, XXX:18; XXXII:16; XXXIII:5; I:27; XXXII:1.
- E. "Right" (AV), XXXII:7.
- F. Right conduct, XL:14; LIX:8; LXI:8.
- G. Judgment upon evil, III:14, XXIV:5; XL:27; XXVI:9.
- H. Judging, V:16; XLI:1.
- I. Discretion (AV), XXVIII:26.
- J. Criticising, condemnation, LIV:17.
- K. "Ordinances" (AV), LVIII:2 (2).
- L. "Cause" (AV margin), L:8.

2. Statutes.

- A. In the technical meaning and use; no instances.
- B. "Measure" (AV), *khoq*, V:14.
- C. "Ordinance" (AV), *khoq*, XXIV:5.

3. Commandments.

- A. In the technical meaning and use; no instances.
- B. In the general sense, XXIX:13 (AV "precepts"), XXXVI:21; XLVIII:18.

XIX. MICAH

1. Judgments.

- A. In the technical meaning and use; no instances.

B. Right judging, III:9; VI:8; III:1; VII:9.

C. Judgment upon man, III:8.

2. Statutes.

A. In the technical meaning and use; no instances.

B. "Decree" (AV), *khog*, VII:11.

C. Laws, *khugqah*, VI:16.

3. Commandments.

No instances.

XX. NAHUM

1. Judgments.

No instances of the use of this word.

2. Statutes.

No instances.

3. Commandments.

No instances.

XXI. ZEPHANIAH

1. Judgments.

A. In the technical meaning and use; no instances.

B. Right judging, III:5.

C. Judgment upon man, III:15.

D. Decision, "determination" (AV), III:8.

E. Requirement, II:3.

2. Statutes.

A. In the technical meaning and use; no instances.

B. "Decree" (AV), *khog*, II:2.

3. Commandments.

No instances.

XXIII. JEREMIAH AND LAMENTATIONS

Specific references to the Law or to the wilderness sojourn during which the Law was given are found at Jer. II:1-3, 4-8; VII:22-26; IX:13; XI:1-5.

1. Judgments.

- A. In the technical meaning and use; no instances.
- B. Right judging, Jer. V:1; VII:5; IX:24 (Heb. 23); XXI:12; XXII:3; IV:2 ("In truth, in judgment, and in righteousness"); XXX:11; I:16; XLVI:28, in the sense of "wise measures"; V:4, 5.
- C. Righteousness, XXII:13, 14; XXIII:5.
- D. Reasonableness, X:24.
- E. "Right" (AV), XVII:11; XXXII:7-8; V:28; Lam. III:35.
- F. Calamity, XLVIII:21; LI:9; XLIX:12, XII:1.
- G. Law of God, VIII:7.
- H. "Worthy" (AV), XXVI:11, 16.
- I. Doom pronounced, XLVIII:47.
- J. "Manner" (AV), XXX:18.
- K. "Sentence" (AV), IV:12; Cf. XXXIX:5; LII:9; I:16.
- L. "Cause" (AV), Lamentations, III:59.

2. Statutes.

- A. In the technical meaning and use *khugqah*, XLIV:10, 23. The reference is to the "statutes" of the Pentateuch, but, considering the general use of this word by Jeremiah, it is doubtful if it is here consciously used in the technical sense.
- B. "Decree" (AV), *khog*, V:22.
- C. "Ordinance" (AV), *khog*, XXXI:36 (Heb. 35).
- D. "Custom" (AV), *khog*, XXXII:11, *khugqah*, X:3.
- E. "Appointed" (AV), *khugqah*, V:24.
- F. "Ordinances" (AV), *khugqah*, XXXIII:25; XXXI:35 (Heb. 34).

3. Commandments.

- A. In the technical meaning and use; no instances.
- B. In general sense, XXXII:11, ("Law," AV), XXXV:14, 16, 18.

XXIV. OBEDIAH

1. Judgments.

No instances of the use of this word.

2. Statutes.

No instances.

3. Commandments.

No instances.

XXV. EZEKIEL

1. Judgments.

A. In the technical meaning and use, XVIII:19, 21, apparently, XXIII:24, XLIV:24, XX:24; V:7; XI:12; V:6 (2), 7; XI:20; XVIII:17; XX:11, 13, 16, 19, 21, 24; XXXVII:24; XI:12; XVIII:19, XXXVI:27, XX:19, XXIII:24.

B. Justice, XVIII:5, 27; XXXIII:14, 16, 19; XXIII:24; XLV:9.

C. Right (AV margin), XXII:29; XXI:27 (Heb. 32).

D. Right judging, XVIII:8; XXXIX:21; XVI:38; XLIV:24.

E. Judging, XLIV:24.

F. "Crime" (AV), VII:27.

G. "Manner" (AV), XXIII:45 (2).

H. Laws of the nature of "judgments," but not of those in the Pentateuch. V:7. The second instance of the word in this verse, XX:18.

I. Calamity, V:8, 10.

J. "Deserts" (AV), VII:27.

K. "Fashions" (AV), XLII:11.

2. Statutes.

A. In the technical meaning and use, *khoq*, XLV:14, probably the technical use of the word in accord with the usage of Ezekiel ("ordinance" in AV).

XX:25, 18, technical sense, but in contrast with the Pentateuchal laws. XI:12; XXXVI:27 *khugqah* "ordinances" (AV), XLIII:18; XLIV:5; XLVI:14; V:6 (2); XVIII:17; XX:16; XX:11, XLIV:24; V:7; XVIII:9; XX:13, 19; XX:21; XI:20; XXVII:24; XX:11.

B. "Ordinary" allowances, *khoq*, XVI:27.

C. The general sense of laws, "statutes" of life, *khugqah*, XXXIII:15, but perhaps with reference to XX:11; XVIII:19, 21.

3. Commandments.

No instances.

XXVI. DANIEL

1. Judgments.

A. In the technical meaning and use, IX:5, apparently.

2. Statutes.

No instances.

3. Commandments.

A. In the technical meaning and use, IX:5, probably.

B. In the general sense, IX:4.

XXVII. HAGGAI

1. Judgments.

No instances of the use of this word.

2. Statutes.

No instances.

3. Commandments.

No instances.

XXVIII. ZECHARIAH

1. Judgments.

A. In the technical meaning and use; no instances.

- B. Right judging, VII:9; VIII:16.
- 2. Statutes.
 - A. In the technical meaning and use, *khoq*, I:6, probably.
- 3. Commandments.
 - No instances.

XXIX. MALACHI

- 1. Judgments.
 - A. In the technical meaning and use, IV:4 (Heb. III:22).
 - B. Right judging, II:17.
 - C. Judgment upon men, III:5.
- 2. Statutes.
 - A. In the technical meaning and use, IV:4 (Heb. III:22).
- 3. Commandments.
 - A. In the technical meaning and use; no instances.
 - B. General sense, II:1, 4.

XXX. I AND II CHRONICLES

- 1. Judgments.
 - A. In the technical meaning and use, II Chron. XXXIII:8; VII:17; I Chron. XXII:13; XXVIII:7; XIX:10.
 - B. Judging, I Chron. VI:12; II Chron. XIX:6, 8.
 - C. Divine laws, I Chron. XVI:12, 14.
 - D. Justice, I Chron. XVIII:14; II Chron. IX:8.
 - E. "Manner" or "order" with "*k*," I Chron. XXIII:31; XV:13; XXIV:19; II Chron. IV:20; XXXV:13; XXX:16; I Chron. VI:32 (Heb. 17), II Chron. VIII:14.
 - F. "Cause" (AV), II Chron. VI:35, 39; XIX:10.
 - G. "Fashion" (AV), II Chron. IV:7.

2. Statutes.

A. In the technical meaning and use, *khoq*, I Chron. XXII:13; II Chron. XXXVIII:8; XIX:10; VII:17; I Chron. XXIX:19; XXXIV:31, *khugqah*, II Chron. VII:19.

B. "Ordinances" (AV), *khoq*, II Chron. XXXV:25.

3. Commandments.

A. In the technical meaning and use, II Chron. XXXI:21, probably in accord with the technical use of law words, I Chron. XXVIII:7; II Chron. VII:19; I Chron. XXIX:19; II Chron. XXXIV:31.

B. General sense, II Chron. XXIX:25 (2); XIV:4 (Heb. 3); XIX:10, though used in this passage together with "statutes" and "judgments" in the technical sense, "commandments" is here evidently used as the word "law" immediately preceding, II Chron. VIII:14, 15; XXX:12; XXIV:21; XXIX:25; VIII:13, 15; XXIX:15; XXXV:10, 15, 16; XXX:6; I Chron. XXVIII:7, 8; II Chron. XXIV:20; XVII:4.

XXXI. EZRA

1. Judgments.

A. In the technical meaning and use, VII:10.

B. "Custom" (AV), with "*k*," III:4.

2. Statutes.

A. In the technical meaning and use, *khoq*, VII:10, 11.

3. Commandments.

A. In the technical meaning and use, VII:11, probably, but not certainly indicated.

B. General sense, X:3; IX:10, 14.

XXXII. NEHEMIAH

1. Judgments.

A. In the technical meaning and use, IX:13; I:7, with reference to "Moses"; IX:29; X:29 (Heb. 30).

B. "Manner" (AV), with "*k*," VIII:18.

2. Statutes.

A. In the technical meaning and use, *khoq*, IX:13; I:7; IX:14; X:29 (Heb. 30).

3. Commandments.

A. In the technical meaning and use, X:29 (Heb. 30); I:7; IX:13; IX:14, 29 probably.

B. In the general sense, XI:23; XIII:5; XII:24, 45; X:32 (Heb. 33); I:9; IX:16, 34; I:5.

XXXIII. ESTHER

1. Judgments.

No instances of the use of the word.

2. Statutes.

No instances.

3. Commandments.

A. In the technical meaning and use; no instances.

B. General sense, III:3.

The value of the evidence brought to light in the preceding investigation might seem to depend largely upon the correctness of the order in which the books are arranged. In fact it is not so, as will appear in the summarizing of results to follow. The books must be placed in order according to some arrangement in the investigation. They have been placed, for the most part, in the order approved by the scholarship of Christendom down to the time of the modern school of Old Testament criticism and still held by the great

body of the Christian church and of Christian scholars, except those who have accepted the views of the modern historical school. The order in which the writings of the contemporaneous prophets should be placed, is, of course, a question beset with difficulties and uncertainties. But as these difficulties and uncertainties involve but a few years at most, they do not, in the least, affect the results of this investigation which is designed to show the usage of these law words at *different periods*.

The Book of Psalms is manifestly, on its very face, and by consent of all Biblical students, a late compilation *as a book*, probably in the time and under the direction of Ezra; Individual Psalms composing the book have each its own date from the days of David the "Sweet Psalmist of Israel" down to the Psalms of Degrees among the returning Exiles and the XC Psalm is usually accredited to Moses. I have placed the book, for its earlier Psalms, at the place to which its earliest would entitle it, and, for the latter Psalms, in the period from which those Psalms came.

The book of Job is admittedly of uncertain date. Two views contend for preference; one which assigns Job to the Patriarchal Period because of its patriarchal dress and setting, the other which assigns it to the period of the Wisdom literature because of its philosophical ideas and its dramatic form. It would be an unnecessary digression to enter here fully upon a discussion of the date of this book, as the evidence which the book actually presents on the use of these technical Law words is very small, indeed, and would in nowise change the result in whichever place it may be assigned. I have assigned the book to the patriarchal age mainly because of its patriarchal tone and because apparent reference to Scriptures are to Ex. XV, Deut.

XXXII and Psalm XC, which is most probably the work of Moses. But, as already intimated, it will be unnecessary, for the purpose of this investigation, to argue more definitely the question of the chronological order of the books of the Old Testament or attempt to reach more conclusively a decision between contending views because the result of the investigation based upon the order of the books according to the modern historical criticism will also be given as well as the result based upon the order of books here adopted. The results of the investigation, book by book, may best first be exhibited in a diagram from which the results may be collated and summarized according to each of the proposed arrangements of the books.

A careful study of the results of the investigation as shown for the various books in the Diagram (p.212) brings to light the following facts:

The book of Joshua presents a few instances of the use of these technical Law terms, "judgments" 2, "statutes" 2, "commandments" 1. The book of Judges has but one probable instance of the use of "commandments" in the technical sense. Ruth and I Samuel furnish no instances of the use of these technical Law terms. II Samuel, I Kings, the Davidic Psalms, Proverbs, Ecclesiastes and the Song of Solomon show far more frequent use of these technical Law words than even Joshua. There are instances as follows: "Judgments" 7, "statutes" 11, "commandments" 13. During the time from the division of the Kingdom down to the Exile there are only the following instances of the use of these words in the technical sense: II Kings, at the outset of the history, "judgments" 3, "statutes" 2, "commandments" 7. After this the use of these words practically ceases during this whole long period of re-

SUMMARY OF THE MEANING AND USE OF THE TECHNICAL LAW WORDS

| The Decent | Judge-ments | Stat-utes | Com-mand-ments | Development | J. | S. | C. | Emergence | J. | S. | C. | Conquest to Division |
|----------------|-------------|-----------|----------------|--------------|-------|-------|-------|-------------------|-------|-------|-------|----------------------|
| Genesis ..... | ..... | ..... | ..... | Judges ..... | ..... | ..... | 1(?) | II Samuel | 1(?) | 1(?) | ..... | ..... |
| Job ..... | ..... | ..... | ..... | Ruth ..... | ..... | ..... | ..... | I Kings | 4(?) | 9(?) | ..... | ..... |
| Joshua | 2 | 2 | 1 | I Samuel .. | ..... | ..... | ..... | Psalms | 2(?) | 1(?) | ..... | ..... |
| ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | Proverbs ..... | ..... | ..... | ..... | ..... |
| ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | Ecclesiastes .. | ..... | ..... | ..... | ..... |
| ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | Song of Sol. .... | ..... | ..... | ..... | ..... |
| Corruption | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| II Kings | 3 | 2 | 7 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Jonah ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Joel ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Amos ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Hosea ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Isaiah | 1(?) | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Micah ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Nahum ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Zephaniah .. | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Habakuk ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Jeremiah ..... | ..... | 2(?) | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Obediah ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Reformation | J. | S. | C. | ..... | J. | S. | C. | Second Glory | J. | S. | C. | Exile |
| Ezekiel | 27 | 23 | ..... | ..... | ..... | ..... | ..... | Psalms | 1 | 2 | ..... | ..... |
| Daniel | 1 | ..... | ..... | ..... | ..... | ..... | ..... | I & II Chron .. | 6 | 7 | ..... | ..... |
| Haggai ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | Ezra | 1 | 1 | ..... | ..... |
| Zechariah .. | ..... | 1(?) | ..... | ..... | ..... | ..... | ..... | Nehemiah .. | 4 | 3 | ..... | ..... |
| Malachi | 1 | 1 | ..... | ..... | ..... | ..... | ..... | Esther ..... | ..... | ..... | ..... | ..... |

Exile to End

ligious decline. Of all the long list of prophets, Jonah, Joel, Amos, Hosea, Isaiah, Micah, Nahum, Zephaniah, Habakkuk, Jeremiah and the Lamentations, and Obediah, only the following furnishes any instances of the technical use of these Law terms: Isaiah "judgments" 1, "Jeremiah "statutes" 2. In the great period of moral and religious reform during the Exile, when Israel was forever cured of Idolatry, the frequent use of these technical Law words comes back; the prophets Ezekiel, Daniel, Haggai, Zechariah and Malachi furnish the following instances: "Judgments" 29, "statutes" 25. Of these, Ezekiel, the great prophet of the restoration of Israel's religion, uses in the technical sense, "judgments" 27 times and "statutes" 23 times. In the period of the Second glory, the return and the re-establishment of the kingdom and the worship, the later Psalms, I and II Chronicles, Ezra, Nehemiah and Esther keep up the use of these technical Law words with instances: "Judgments" 12, "statutes" 13, "commandments" 12.

Even a very cursory glance at these facts thus summarized makes very plain that the abundant use of these technical terms at the period from which the "P Document" is claimed to have come, the period of the Exile and afterward together with the use of these same technical terms in Joshua which is ascribed largely also to the "P Document" seems very strongly to support the Documentary Theory. It seems to be the possibility anticipated and stated at the outset of this investigation (p. 191). But, alas, for any hopes aroused by this in the minds of the advocates of that Theory, the frequent employment of these technical terms in the period of the great emergence of Israel's religion the glory of the kingdom and the worship, in

the days of David and Solomon is fatal to such hopes. The technical use of these words at that epoch of Israel's history shows that the Law which contains them was known at that time, and so is fatal to the view that this Law with its technical terms originated in the "P Document" at the time of the Exile or later. For though one of the contrasted words "judgments" and "statutes" is said, according to the Documentary Theory to have been employed in J and E, and JE, yet the technical character of the words is dependent on the contrast and cannot exist without it (p. 279), and besides, according to the Documentary Theory, even these Documents, J and E, and JE, did not exist until long after the days of the great glory in the days of David and Solomon.

On the other hand, the history of the use of these technical Law words presented by this summary of their use throughout the time from the Conquest of the Promised land onward to the end is in exact accord with the history of Israel at its face value, without any reconstruction. It is to be expected that some use of these technical terms would be found in the time of Joshua as the children of Israel left the wilderness period and entered into possession, the time of Joshua and those elders that overlived Joshua," when Israel still faithfully served the Lord as taught in the wilderness. Such use of these words is found. Then it is in exact accord with the conditions of the times during the long period of development in the period of the Judges during which the truth taught in the wilderness was leavening the new national life, until the great emergence of the kingdom and the worship in the days of David and Solomon, that there should be little or no use of these technical terms. Religion and

morals were, for a long time after the scattering of the people to their possessions in severalty, at a very low ebb, and the technical distinctions of the Law were forgotten and do not appear in the literature of the time. With the outshining of true religion in the days of David and Solomon and the establishment of a strong government for the enforcement of the civil and criminal laws, it is most natural that the technical Law words should be revived, and *they were*.

With the great period of corruption of the people after the division of the kingdom it is again most natural that, with the falling away of the people from true piety and a high morality, and the growth of the worship of other gods and the practice of heathen orgies, the technical distinction of the Law words should be overlooked. Again, it was exactly so. But, when the days of the reformation came, and the great prophets of the reformation in the days of the Exile, and the great statesmen leaders of the return and the re-establishment, it is to be expected that, with the re-establishment of the reign of law and of the Ceremonial worship, the technical Law words should be revived; and so they were, and were used more than at any other place in the Bible, except in the record of the Law itself.

Thus this investigation of the books of this whole period from the Conquest to the end of Old Testament history attests them at their face value and at the same time confirms the technical meaning and use that would be forgotten or neglected in the times of decline and revived at the times of revival, as shown by the use of these words throughout this whole national period. Such use of these words cannot be an accident of later Documents; it must be natural, i.e. historical.

CHAPTER VII

SEVENTH INVESTIGATION

ARCHAEOLOGICAL EVIDENCE CONCERNING PENTATEUCHAL TIMES

Full consideration of archaeological evidence concerning Pentateuchal times would make a book, indeed, has made more than one book. Among others who have written upon this subject, the author has also given very extended presentation of this class of evidence concerning Pentateuchal times (*Moses and the Monuments, Light from Archaeology on Pentateuchal Times*, Lectures on the Stone Foundation, Princeton Theological Seminary, 1919, Bibliotheca Sacra Company). No more than a brief compendium of the facts and conclusions can be condensed into a single chapter of this book. For complete presentation and examination of the evidence, the reader is referred to the work cited above.

I. There are peculiar words, phrases and narratives, some in the Hebrew of the Pentateuch, some in the Egyptian of the inscriptions, which betray such relation between the Hebrew of the Pentateuch and the Egyptian of the inscriptions of the age of the Exodus, and such mutual influence of one language upon the other, as to certify both the books of the Pentateuch and these Egyptian inscriptions of Exodus times to

the same period under the influence of the same customs and events.

The ancient Egyptians were a most exclusive people; the Hermit Kingdom of more modern times hardly excelled them in this respect. Naturally, things foreign, as well as foreigners themselves, were repugnant to the national taste and temperment. Only the most general and potent influence of a foreign language could, under such conditions, find such sympathetic response from the Egyptians as that so exclusive a people should incorporate foreign words into their language. The entrance of Israel into Egypt as favorites of the throne and their repression and retention as slaves of the crown, when they had grown very numerous, thus instituting constant intercourse between them and the Egyptians, would supply exactly such wide-spread and long-continued influence of the Hebrew tongue upon the Egyptian as would be necessary to result in the incorporation of Hebrew words into the Egyptian tongue; nothing less would accomplish such a result. In very fact, the period of Israel's historical sojourn in Egypt as slaves saw, among Egyptians, exactly such adoption of Semitic words into the Egyptian tongue. There was in the XVIII and early XIX Dynasties a very prevalent fad in the use of such foreign words, almost wholly Semitic. In the latter part of this period, at the very time of the Exodus period, indeed, such distinct Hebrew words of the Pentateuch as Succoth, *Ohel*, Migdol, and *Adon* were adopted by the Egyptians. Succoth, shepherds tents, i.e. temporary "booths," became, in the Egyptian as in the Hebrew of the Pentateuch, the name of the district in Egypt from which Israel departed at the time of the Exodus. *Ohel*, the Hebrew word for the Tabernacle, was used by the

Egyptians to denote a permanent tent of cloth or skins used by foreigners from the east. Migdol, a watch-tower in Hebrew, is common enough in the Egyptian records of military affairs of that period. *Adon*, Hebrew for a master of slaves, is the very name given by the Egyptians to the Superintendent of the foreign slaves employed on public works exactly as the African slave in America gave the name "massa" to his owner.

Such facts give unimpeachable evidence of just such Egyptian influence upon Pentateuchal times as is claimed by the Pentateuchal narrative (*Moses and the Monuments*, pp. 1-18).

Still more startling evidences of Egyptian influence on the people of Israel at the time of the composition of the Pentateuch is found in Egyptian words in the Hebrew of the Pentateuch, and in the plain Egyptian stamp upon Pentateuchal narrative of Egyptian events and episodes. When one has become familiar with the physical phenomena of Egypt as they occur over a long period of years, though never all in one year, and oft-times not in one life-time, the physical embodiment of the Plagues of Egypt is seen to be so distinctly and thoroughly Egyptian and the Pentateuchal account of these tragic episodes of Egyptian history so phenomenally Egyptian in character as could be written only *by* one conversant, through long residence, with Egyptian phenomena and would be written only *for* those who themselves were equally familiar with Egyptian conditions and events (*Moses and the Monuments*, pp. 18-23).

Then, very peculiar and significant Egyptian words are translated, or transliterated, into the Hebrew of the Pentateuch, words which, in their use, as employed

in the Pentateuch, belonged in Egypt only to the period of Israel's sojourn and of the Exodus. Walls, Egyptian "*anbu*," are mentioned as along the eastern frontier of Egypt for which, indeed, the desert in that part of it was named, in Hebrew *Shur*, i.e. "walls." These "walls" were unknown in the later period of Egypt's history, when it is claimed by some that the Pentateuch was written, belong, in fact, only to the period claimed for them in the Pentateuch. It is hardly believable that they could have been thus correctly referred to by late writers. "Abomination," also, as applied to shepherds in the Pentateuch had no place in Egyptian life in the later times to which the Pentateuch is by some attributed. At the time of the Exodus, however, "*anbu*," walls, are of frequent mention in the Egyptian inscriptions, as on this eastern frontier, and "*aat*," "abomination," together with other equally appropriate epithets, were so persistently used to denote the Hyksos kings, the patrons of the Israelites at their entrance into Egypt, that, to this day, it has never been found possible to learn the ethnic name of these foreign oppressors of Egypt. This word "*aat*" passes out of use in this application of it in later times. The period of the Exodus is thus the only time when writers would naturally use these two words, "walls" and "abomination," and the only time when we may rightly expect them to be known (*Moses and the Monuments*, pp. 23-28).

Another characteristic of the Pentateuchal records still more manifestly impossible at a later period is the presence in the Hebrew of very peculiarly significant Egyptian words most accurately used, so accurately, indeed, as to preclude the idea that mere art or acquisition at a later time could have attained to such pro-

ficiency. The Egyptian names Zaphnath-paaneah, Asenath, Potapher and Potaphera have their best and most natural Egyptian equivalents in the Hyksos period to which the Bible attributes them (*Moses and the Monuments*, pp. 28-40). Who would have interest in remembering or retaining such names after the Israelites left Egypt and Egyptian influences?

Besides these proper names there are Egyptian common nouns denoting peculiar Egyptian conditions and not similarly applicable anywhere else. *Akhu*, Egyptian for swamp-pasture lands, *shesh*, Egyptian for linen, the "fine white linen" of Leviticus, *Yeor*, the Egyptian word for "stream," applied especially to the Nile and its canals are examples of this class of words. The very peculiar, and in some cases, greatly extended, use of these Egyptian words, even throughout all of the various principal "Documents" and by the different principal authors according to the "Documentary Theory," is only explicable on the theory of a single author about the time of the Exodus and that author a person most familiar with Egyptian life and language (*Moses and the Monuments*, pp. 41-52).

Thus all these peculiarities of word and phrase and narrative are exactly in accord with the Egyptian influence and affiliations as claimed by the Pentateuchal narrative and to which the narrative is attributed, and not only so, but are most antagonistic to the idea of several authors at different later dates.

II. The Pentateuchal question is often represented as pre-eminently a literary question. Without, at this time, discussing this question, let us view it as such that we may see the result.

There are such general literary characteristics displayed in the writings of the Pentateuch as that, when

compared with Egyptian literature on the one hand and with Babylonian and late Hebrew literature of the time of the Exile and after on the other hand, show the Hebrew language to have become fixed in its literary forms by sacred books in contact with Egyptian influence, rather than Babylonian influence, and the Pentateuch to have proceeded from Exodus times and not from Exilic or post-exilic times. Not only is this so, but there are literary allusions in the books of the Law to Egyptian ideas and customs and idioms, the archaeological conditions needed to make literary room and preparation for the Pentateuch in Mosaic times are found naturally and fully before the Exodus, the archaeology of the books of the Law themselves is in exact accord with the literary representations of the Pentateuch, and, indeed, it is finally out of all these sources that the distinguishing literary characteristic of the Pentateuch comes.

It would be impossible here fully to note all the allusions to Egyptian customs and idioms found in the Pentateuch. Oriental literature is, above everything else, picturesque, so that allusions abound in the Pentateuchal literature. The unique dual form of the Hebrew name for Egypt, *mitsraim*, is but recently found to contain allusion to an infrequent Egyptian pictograph of an enclosure to denote northern Egypt. Thus *mitsraim*, in the dual, the "double enclosure," is a Hebrew name for an Egyptian idea of the land (*Moses and the Monuments*, pp. 53-62). Again, *matteh*, "staff," as in the LXX account of the blessings of Jacob, instead of *mittah*, "bed," as pointed in the Masoretic text of the Hebrew and translated in the A. V. and in the R. V., also, is now most certainly known to be a reference, in abbreviated form, to the Egyptian

formula for the taking of an oath, a reference that would be quite admissible at the time of the Exodus and among a people just come out of Egypt, but quite inexplicable at a late date in the history of Israel. It is improbable that a late writer would have known to make such a reference and certain that the people would not then have understood it, when they read it.

Then, the mysterious expression, "I am," and the use of the divine covenant name Jehovah as equivalent to it, intended to be understood in Egypt and by Egyptians is only explicable by a knowledge of Egyptian which neither a late writer nor late readers could be expected to possess (*Moses and the Monuments*, pp. 62-69). If demand be made for evidence of literary preparation for the Pentateuch in Exodus times the demand is immediately met by the certainty of the origin of the alphabet before Mosaic times (Zerbe, *The Antiquity of Hebrew Writing*, pp. 139ff), and the equal certainty of the use of the Babylonian cuneiform for important documents in Palestine, or for Palestine, at the time of the writing of the Tel el-Amarna tablets before the Exodus, and the overwhelming evidence of the preparation and use of Law codes in both Egypt and Babylonia long before the days of Moses (Lyon, *Code of Khammurabi*, Journal of American Oriental Society, 1914, pp. 248-265, also, *Moses and the Monuments*, pp. 69-79).

The archaeology of the books of the Bible themselves is often overlooked or obscured and the right to use it in Biblical discussions tacitly denied. All questions of inspiration and divine authority aside, the Scriptures are literary remains of antiquity of equal rank and authority, according to their character, with all other archaeological material. Such being the case, it is

exceedingly significant that the description of the route of the Exodus is still the best guide-book for the route from Suez to Mount Sinai. Then, the biography of Moses, symmetrical and progressive, throughout all the so-called "Documents," and the orderly, progressive development of the Law-codes from the brief code of a few laws in the Commandments, and certain judgments and simple ritual laws of Exodus XX-XXIII:19, on throughout the elaborate code in Leviticus and the progress of revelation and doctrine in the additions and changes made throughout the wilderness period as recorded in Numbers, to the addresses of the great statesman to the people about to enter upon a new phase of national life recorded in Deuteronomy; the oral teachings of Moses who spake from time to time "unto the people," and the journalistic manner of recording these teachings at their appropriate place in the record of passing events; all these prepare the way and provide the Egyptian influence and all the attending peculiar circumstances necessary to account for what is manifestly the result, the general literary characteristic, of the Pentateuchal writings now to be examined.

The broad distinguishing literary characteristic of the Pentateuchal books is that the order of main ideas in the sentence in the Hebrew of the Pentateuch, the verb being set forth early in the sentence and its object following after, is assimilated to the order of the same ideas in the Egyptian sentence and quite the reverse of the order in the Babylonian, where the verb goes to the end of the sentence. Later Hebrew shows many Babylonisms and Aramaisms. Ezekiel, the only great late work known to have been written in Babylonia under immediate Babylonian influence, shows, also, a marked tendency to assimilation to the Babylonian or-

der of main ideas in the sentence. If the so-called "P Document," embracing as it does much of Genesis and Exodus, nearly all of Leviticus and a large part of Numbers, together with portions of Joshua, had been written, like Ezekiel, in Babylon or immediately thereafter among the returning exiles, as is claimed, it could not possibly have escaped the same Babylonian influences noted in Ezekiel. In fact, the examination of every verse of the "P Document" shows not a trace of such characteristics, nor even the common Babylonisms and Aramaisms found in every other book of the Bible having Babylonian contacts.

There is no assimilation to the Babylonian in the "P Document." Therefore probably no mingling of the Hebrew of the "P Document" with the Babylonian and so no origin of the "P Document" under Babylonian influences. On the other hand, there is assimilation of the language in the "P Document" to the Egyptian tongue, a result which comes only from the mingling of tongues. There is, also, not only tradition, but historical claim, for an historical mingling of the Hebrew tongue with the Egyptian. Therefore the production of the Pentateuch, including the "P Document," under Egyptian influences, in accordance with Pentateuchal claims, is not only entirely credible, but is the literary origin of the Pentateuch naturally to be expected (*Moses and the Monuments*, pp. 80-114).

III. Historical events and allusions having a bearing upon Pentateuchal discussions, point without exception, largely through the archaeology of the Bible itself, to the wilderness period of Israel's history for the origin of the Moses literary traditions and so for the origin of the literature attributed to Moses by that tradition.

A multitude of allusions to Egyptian history and to Egyptian customs demand such Egyptian influence in Pentateuchal times as only the representations and claims of the Pentateuch for such influence will meet. A late origin of the Pentateuchal literature makes these allusions senseless for the people of such late times. How would they understand the ceremonial significance of Joseph's coat of many colors as it appears in Egyptian representations of Palestinian customs? a significance which had long since passed out of use in Israel even in the time of David. What late writer would think of saying of an Egyptian officer of Hyksos times, or, indeed, of any other period of Egyptian history, that he was "an Egyptian"? Why not, of course, "an Egyptian"? How could late readers attach any sense to the fear of the Egyptians that the Israelite slaves would get them "up from the land," i.e. "from the land of Goshen" over all Egypt? "Up," in the land of Egypt, is always south. It was not fleeing but fighting, that the Egyptians feared of the Israelites. Would exiles in Babylon understand all this and, also, the location of the Israelites in Egypt in the days of the Hyksos kings 1200 years before? How should late readers know without explanation that Edom and Moab were not anachronisms in the days of Moses, when, with all the archaeological information of the present day, this has not been known until within a few years?

All these things confront us, to say nothing of the intimate knowledge of Egypt assumed in the strange history of the use of the Egyptian royal title Pharaoh, so accurately used in the Bible to correspond to the changing use of the title in Egypt. Equally amazing is the reference to the frontier canal on the east of

Egypt, Shi-(t)-Hor, i.e. the Horus canal, so accurately alluded to in mention of "Shihor"; as, also the puzzling expression "As thou comest unto Zoar," a reference to the now known frontier fortress, "*Tsoar*," in ancient Egypt; and last of all and most remarkable of all, the use of the local name of a small part of the Delta of Egypt in the time of the XIX Dynasty as the "land of Rameses," though at the late date assumed for the Pentateuch, it had long been forgotten in Egypt. (For all these allusions *Moses and the Monuments*, pp. 115-138).

The explanation of all these allusions, which archaeological search has made perfectly clear in these days, we cannot believe was possible in the days of post-exilic scribes, or even of VIII or VII century writers in Palestine as required by the Documentary Theory.

There are, also, extended narratives which are perfectly incomprehensible as the work of an exilic or post-exilic author. Mr. Wilbur H. Schoff has shown in the so-called Trade list of Tyre that Ezekiel's description of the trade of Tyre is not a description of the whole trade of Tyre, but only of the things that were used in the construction of the Tabernacle, the things which belonged to the Priest's portion, and the additional materials used in the construction of the Temple of Solomon. Thus the description becomes an allegory of the doom pronounced upon Babylon for the destruction of the Temple with its sacred things of the Tabernacle and the causing the priests' portion to cease through captivity. But such allegorizing for the exiles implies not only that Israel was perfectly familiar with the Tabernacle account and the specifications of the priestly portions, but that the people, also, were familiar with them and would understand what Ezekiel

wrote. Otherwise the allegory would have been as unintelligible to the exiles as it was intended to be to the Babylonians. Evidently the "P Document," the portion of the Pentateuch which contains the account of these things in the wilderness, was not written a century after Ezekiel wrote, as claimed for the date of the "P Document" (*Moses and the Monuments*, pp. 138-140).

The account of the finding of the book of the Law in the days of Josiah contains some exceedingly significant notes which give archaeological indications concerning that which was found. Had Hilkiyah no curiosity that he called in Shaphan the scribe to read that document? Could only a scribe who was expert in dialects and documents read this document which was found? That might very well be, if it was a real document of the olden time, the very "book of the Law by the hand of Moses" as the account asserts. But why so, if it were a document fabricated at the time, or a fabrication kept over from the days of Hezekiah, and so written in the script of the time? Why should Hilkiyah feel any need for a Shaphan the scribe?

And again, had the king himself, though piously inclined and so ready to return to the former godly ways, no curiosity that he did not take the document into his own hands and read it as did Jehoiada on another occasion, when he cut the roll with a pen knife and burned it?

Then, this readiness of the king to return to the former ways, evinced in the immediate move for reforms leads us at once to the assumption of the Moses tradition. Here stands out the virility of the idea that the former ways ought to prevail. How far back does this Moses tradition reach? When might it begin and

acquire such commanding power at any time subsequent to the time of Moses himself? Does such a dominant tradition spring into being full grown out of thin air? "The Moses required for the acceptance of the book 'found' according to the Documentary Theory is not the Moses of the Documentary Theory, but the Moses of the Pentateuch. Those who hold to the view of the critical Moses have to bring up the 'traditional Moses' to conjure with. They are in much the same predicament as the witch of Endor, who called for the Samuel of magic and got the real Samuel. Once the Moses tradition is admitted at all (and it is absolutely necessary to the promulgation of laws in his name in the days of Josiah), there is no place to stop in the search for its origin until we come to the days of Moses" (*Moses and the Monuments*, pp. 140,145).

All these hands pointing to the Mosaic times as Pentateuchal times prepare us for the synchronisms that archaeology finds in Egypt to lay along side of the Pentateuchal account. Moses, according to Exodus, was called at the death of those who sought his life, i.e. the king of Egypt especially. One year may be allowed for the arrangement of his affairs and his return to Egypt. Certainly no one familiar with the leisurely ways of the East will think a year too long a time, as things are done there. The record of the plagues shows conclusively that the natural events which embodied them occupied a year. Two years elapsed from the Exodus till the turning back at Kadesh Barneah. Thus the turning back was at the beginning of the fifth year of Moses as leader of Israel.

Along side of these Biblical facts lay these others from the Egyptian monuments. The tablet of Meremtah boasts in poetic adulation, among many

other things, that "Israel is destroyed, her seed (children, not crops) is not (*Deir el-Bahari*, I, Pl. XIX) Khar (Palestine by the way of the Dead Sea) is become as widows of Egypt (i.e. mourning for her lost husband, Israel who failed to come in)." Now this tablet is dated in the fifth year of Meremptah. He was the immediate successor of Rameses from whom Moses fled and at whose death he was called to return. Thus the fifth year of Meremptah would be the fifth year of Moses.

There is much said about the historical method. Too much can hardly be said. Ours is an historical religion, with historical records. This exact timing of events, these exact synchronisms, not only give confidence concerning the historicity of these particular things, but throw the mantle of credence over all the intervening history and project confidence forward to that which follows in the wilderness (*Moses and the Monuments*, pp. 149-161).

IV. The Tabernacle and its furniture and the vestments of the priests, not only in the purposes for which they were intended which are universal and so tell us little or nothing about the place of the origin of these things, but in the externals which may be localized and hence betray provenance, are unmistakably Egyptian with not a trace of anything distinctively Babylonian in them, and so attest the Tabernacle literature to the time which the narrative claims for itself.

The threefold pattern of Egyptian architecture, the court, the semi-private apartment and the inner private apartment, is universal down even to the present-day peasant, to the wandering Bedouin in the land, and to the modern explorer himself. In ancient times it was the pattern of the peasant's house, the pattern of the

palace, the pattern of the tomb, the house of the dead, and the pattern of the temple, the house of the gods. In palace and tomb and temple, the idea was often much elaborated, but, always, the fundamental idea, the threefold pattern remained. This threefold pattern was also carried out in the temple by a gradual narrowing and a very slight gradual elevation as one progressed toward the most holy place.

Among the many similarities between the furniture of the Tabernacle and the vestments of the priests and like things in Egypt, are the pectoral or breast-plate the fine twined white linen, the ark with its archives, and, above all, the overshadowing of wings as a symbol of sheltering divine providence, the most universally prevalent symbol in Egypt, are most notable (*Moses and the Monuments*, pp. 162-183).

The divineness of the pattern remains unaffected by this naturalistic provenance. The things of nature are God's always and everywhere. Their use by the heathen does not make them theirs nor debar God from his own. But the distinctly Egyptian character of these things does most seriously affect the claim for a late origin of the Tabernacle narrative under Babylonian influences. If these Exilic, or post-exilic, priest-scribes made "all things according to their own imagination," how comes it that they had an Egyptian imagination? Or, if they purposely so planned their work, how were they so undiplomatic as to brave the wrath of their Babylonian, or Persian, suzerain by drawing the imagery of a new religious book of ceremonial from the hated enemies of the Empire? The only explanation compatible with common sense is that the statement of Scripture is true, that God said, "See thou make all things according to the pattern showed thee in the mount" and *that*

they did it (Moses and the Monuments, pp. 183-192).

V. The obscurity of the doctrine of eschatology in the Pentateuch finds its only reasonable explanation, and, indeed, is fully illuminated by examination of the Egyptian eschatology of the Exodus period. Although the whole Pentateuchal narrative moves ever in the presence of the other world, and in the consciousness of God, yet there is no distinct doctrine of the resurrection and of the life to come in the Pentateuch. The Egyptians are commonly understood to have had a most distinct doctrine of the resurrection and of the life to come, which was, indeed, the most prominent of all their religious ideas, the one kept most in evidence by religious practices. What, then, was the doctrine of the resurrection which Israel brought out of Egypt and what became of it?

Here is a very real difficulty in the way of believing in the origin of the Pentateuch in Mosaic times. Many of the difficulties brought forward by the advocates of the Documentary Theory only exist on the supposition that the Documentary Theory, a *particular* Documentary Theory, is correct. In fact, that theory ever gets us into more difficulties than it gets us out of. But here is a very real difficulty. How can it be that a people just come out of a 400 year sojourn among Egyptians, whose ideas of life after death were more kept in evidence than were any other of their religious ideas, yet received religious books at that time which totally ignored this subject?

It is to be noted, however, that the absence of eschatology from the Pentateuch does not immediately cease from troubling, when authorship of the Pentateuch in Mosaic times is given up. It then *begins* troubling for those who hold that view and keeps troubling more and

more as the centuries go by and eschatology is more and more the subject of divine teaching in Israel, until, in the late period, from which, according to the Documentary Theory, the Pentateuch in its final form emanated, it was one of the most prominent subjects of discussion. Its absence from the Pentateuch at such a time is many-fold more difficult to explain than at the time of the Exodus.

But what doctrine of the resurrection and of the future life did Israel bring out of Egypt and what did become of it? Manifestly, they brought with them from Egypt the Egyptian doctrine of the resurrection. Whatever else they may have had or may not have had, they certainly had this. For 400 years they had been breathing a social and religious atmosphere surcharged with eschatological ideas, and moving among a people always busying themselves about attending to the *needs of the dead*. So, then, the doctrine of the resurrection which Israel brought out of Egypt, was, at least, the Egyptian doctrine. What was the Egyptian Doctrine?

1. The Egyptians believed in another world which they peopled with "gods many and lords many." Whether all the gods were separate and distinct divinities, or whether, as is probable, some gods had many different names, and different representations to denote different functions, there was still a pantheon, many ranks of gods higher and lower, which appear on the temple walls or were represented by images great and small. Professor W. Max Muller, in the *Mythology of All Races* III, p. 3-158), enumerates by name 189 gods and goddesses and yet disclaims completeness for his list.

2. The Egyptians believed also in life after death.

The departed ones are represented in sculpture and painting as in the other world associating with gods and goddesses and conversing with them. Soul houses, even, at least in one part of Egyptian history, the XI Dynasty, were provided in the tombs. The multiplicity of scarabs, symbol of immortality, which were placed in the tombs are most indicative of the hopes of the people, while the judgment scene so frequent in the vignettes of papyri and sometimes found in sculpture, as at Deir el-Medinet, puts beyond any possible question the belief of the Egyptians in life after death.

3. They believed, also, in immediate transition from this life to the life to come. The man living in the other world they called the *ka* of the man who had lived in this world. In a sculpture of Thothmes III in the Cairo Museum, the king is represented as clasping the hand of his *ka*, shaking hands with himself through the veil between this life and the next! Could anything more graphically express the idea of immediate transition from this life to the next?

4. The Egyptians believed, also, in the revival of the dead man. It was to this end that they took such precautions to preserve the body. This belief gave rise to mummification, to the making of great, strong, tombs with secret devices for protection against grave-robbers, and to the construction, at last, of the Great Pyramids, to give, if possible, absolute protection to the body. The same earnest hope and effort led, also, to the development of sculpture in order to provide an artificial body in case the natural body should, after all, be destroyed. As the more exact the reproduction by the sculptor, the more comfortable the dead man would be living in it, this doctrine resulted in the

marvelous development of Egyptian portrait sculpture and portrait bronzes.

5. Such views of the life to come lead directly to the most distinguishing characteristic of that belief, its grossly materialistic character. The same body in the other world would need the same things and the same attention and so have occasion for the same servants and the same service, and thus the life to come would be in every respect, a reproduction of the life that now is. The so-called Egyptian doctrine of the resurrection was not a doctrine of the resurrection at all, but a doctrine of resuscitation (*Moses and the Monuments*, pp. 193-223).

It is needless to ask what became of such a doctrine in the Pentateuch. What could be done with such a doctrine? The immediate purpose in the wilderness teachings was the inculcating of spiritual ideas of God, of the other world, and of worship by God's people in this world. Any mention of the doctrine of the resurrection at the time of the exodus would have carried over into Israel's religion the whole materialistic doctrine of resuscitation then prevalent in Egypt. The only possible method of revelation was to ignore this doctrine until Israel had learned spiritual ideas. Thus Israel's sojourn in Egypt, so far from being a reason for the appearance of the doctrine of the resurrection in the Pentateuch is the best possible reason for its omission. The absence of eschatology from the Pentateuch is thus not only explicable in Mosaic times, but more satisfactorily explicable than at later times, when it was appearing in other inspired writings.

VI. As the examination of the literary expression of the Pentateuchal message has indicated Pentateuchal times to have been Egyptian times and Mosaic times,

so the moral content of the wilderness message in comparison with both Egyptian and Babylonian religious forms and customs show Pentateuchal times to have been not only Mosaic times, and times of religious development, but times also, of objective revelation.

Is it possible to prove objective revelation by archaeological evidence? Quite as possible as to prove any other miracle by historical evidence: the evidence may be either direct or circumstantial, may record what took place or provide the setting of the miracle so that it appears in history as it appeared in nature. Its miraculous character is apparent in the latter case by contrast. No direct archaeological evidence of objective revelation in the Mosaic system in the wilderness has yet appeared, but such circumstantial evidence is available as makes the miracle appear in history as it appeared in the event. Thus its miraculous character is seen in contrast.

Two questions will bring before us the archaeological circumstances in the midst of which the Mosaic system of sacrifices with their deep significance appeared: Did the Mosaic System of sacrifices have a Babylonian provenance, or did they have an Egyptian provenance?

Critics of the advanced school have uniformly assumed, sometimes positively asserted, the Babylonian origin of the Mosaic system of sacrifices, or, if there is a praxis in Palestine before the exile claimed as a basis, at least they assume assimilation to the Babylonian sacrifices during the exile period. Babylonian archaeologists have, also, frequently made mention of the similarity between Babylonian and Mosaic sacrifices and sometimes they have assumed identity and sometimes have left it to the reader to assume identity.

Examination of the facts does not support the Baby-

lonian origin of the Mosaic system of sacrifices. Certain general principles, objects, and acts of ritual were common in the sacrifices of all Bible lands in ancient times. These common things of ritual required in general the same arrangements everywhere. Principles being eternal and universal may be transported and thus be found the world over, so that they do not in any case, of themselves, reveal provenance.

For anything in addition to these general considerations, the assumed identity of the Babylonian and Mosaic rituals will not bear careful examination. There was no laying on of hands in the Babylonian sacrifices, while in the Mosaic sacrifices this was the most significant act of the ritual, claiming, as it did, the victim as a substitute for the offerer. The holocaust, also, though existing in the Babylonian sacrifice, did not assume the place of prominence or importance that it had in the Mosaic system. Thus another significant ritual act, that of complete dedication, does not appear in the Babylonian sacrifices with anything like the prominence it has in the Mosaic sacrifices. On the other hand, the Babylonian religious cult consisted largely in incantations and divination, both of which were absolutely forbidden in the Mosaic laws (Lev. XIX:26-31; XX:27; Deut. XVIII:10). Professor Jastrow, who cannot be, on any account, considered as a witness prejudiced against Babylonian origin of the sacrifices, says, in arguing that the Babylonian hymns are of later origin than the incantations; "From this point of view it is therefore significant to find the large place taken in the practice of the religion by incantation rituals and divination practices" (*Civilization of Babylonia and Assyria*, pp. 239-240). Though in later times there were spiritual hymns and prayers, these incanta-

tions were still retained (Jastrow, *Civilization of Babylonia and Assyria*, p. 240, cf. 278; cf. also, Sayce, *Gifford Lectures*, p. 242-3). Last of all, and most important of all, the incense was compounded, not of ingredients belonging to the alluvial plains of Babylon, which, indeed do not produce incense, but altogether of ingredients from the desert of Sinai and Arabia and adjacent places. Not only is this known now because of the knowledge of the products of those lands, but it was known to Ezekiel and equally to the people for whom he wrote the Doom of Tyre, in which he described geographically the region from which the spices of the incense came, Ezek. XXVII (*Moses and the Monuments*, pp. 232 and 237).

Thus, when we have eliminated the elements which are practically universal in sacrifice throughout the orient in ancient times, there is very little in common between Babylonian and Mosaic sacrifices. At the same time the most distinctive feature of the Babylonian ritual, magic and incantation, is absolutely forbidden in the Mosaic system and the one strictly incidental and local element, which might betray provenance, the incense, is not Babylonian at all, but of western Asia.

Did then the Mosaic system of sacrifices have an Egyptian provenance? The materials are much the same in both systems of sacrifice; about the only materials available. The method, which, more than anything else, reveals the meaning, shows unmistakably that there is no resemblance between the two systems. There was no laying on of hands, hence no ceremony of substitution of the offering for the offerer; no use was made of the blood shed, hence no redemption by the blood; no holocaust, hence no such doctrine of complete dedication as in the Mosaic sacrifices; and no sacri-

ficial meal, hence no such fellowship as is provided for in the Pentateuchal system. Thus, of the four characteristic and significant elements of the Mosaic system, substitution, redemption by blood, dedication, and fellowship, not a single one belongs to the Egyptian system.

Does archaeology provide evidence concerning an objective revelation? It does not provide the direct evidence which we have seen may attest a miracle, but it does give such circumstantial evidence, as that the sudden, startling phenomenal advance in religious ideas shown in the Mosaic system is made to stand out in history, as it must have stood out in the event. These great features of the Mosaic system were not borrowed from Babylonia nor from Egypt, for neither had them to lend. Such sudden great advance in religious ideas cannot be viewed as a development, but as a sudden outshining of divine light such as that to which we give the name revelation. It is in the presence of such divine light that men believe themselves *face to face with GOD* (*Moses and the Monuments*, pp. 269-271).

CHAPTER VIII

EIGHTH INVESTIGATION

DETAILED CONSIDERATION OF THE HISTORICAL DIFFICULTIES AND DISCREPANCIES IN THE PENTATEUCH

Objection will be raised—indeed, already has been raised—on behalf of the Documentary Theory, that this proposed solution of the Pentateuchal problem does not deal with the “historical difficulties” which are satisfactorily met by the Documentary Theory, difficulties the general characteristics of which are carefully set forth in the *Oxford Hexateuch* (Vol. I.).

I. This proposed solution of the Pentateuchal problem is primarily a solution of the literary, rather than the historical difficulties, as is also, the Documentary Theory; but it is not proposed to neglect these latter difficulties, much less leave them a danger in the rear. That this solution admits of their consideration and relief, even better than does the Documentary Theory, is now to be shown.

(1) The peculiarities of vocabulary and style in various parts of the Pentateuch, and the various divisions, or “documents” resulting from gathering together all those portions having like peculiarities, are the essential elements of the Documentary Theory, not the historical difficulties which that theory meets. All the real historical difficulties of the Pentateuch belong

to any consideration of the historical matter of the Pentateuch; they must be considered by any proposed solution of the Pentateuchal problem, and are not constituent elements of any particular theory, but rather of the Pentateuchal problem itself. So the obligation to meet these difficulties is an obligation to the Pentateuchal problem and not to the Documentary Theory. It is to meet that obligation to the Pentateuchal problem itself and not to enter into controversy with the Documentary Theory or its advocates that consideration is given to the subject here. No solution of the Pentateuchal problem may arrogate to itself mandatory power over others for an accounting.

(2) Many of the historical difficulties to which the advocates of the Documentary Theory demand answer of any one who presents another solution of the Pentateuchal Problem, are not essential difficulties in the Pentateuchal Problem at all, but only arise on the assumption that the Documentary Theory is correct. In other words, the Documentary Theory creates many of the difficulties which it has to meet and demands that others shall meet. In this the friends of the Graf-Wellhausen theory are like advocates of the Ptolemaic theory of the solar system who should demand that the advocates of the Copernican Theory meet all the difficulties that the Ptolemaic theory encounters, whereas a large portion of these difficulties were not in the problem of the solar system at all, but only arose on the assumption that the Ptolemaic Theory with all its cycles and epicycles was correct. The Documentary Theory does very plausibly explain some seeming anachronisms and other historical difficulties of the Pentateuchal record, but it gets into more difficulty

than it gets us out of. More anachronisms and other difficulties arise out of the assumption of the late date of the Pentateuch than are explained by it. (Cf. Investigation VII, and especially *Moses and the Monuments, Light from Archaeology on Pentateuchal Times*, by the author).

An examination of the Pentateuchal Problem *ab initio*, and not somewhere along the line in somebody's theory, reveals the only real difficulties that belong to the Pentateuchal problem. A careful study of the books of the Old Testament with these historical difficulties put forth by the Documentary Theory constantly in view reveals that when the statements of the various Old Testament authors are taken at their face value, many of these difficulties do not appear at all.

(3) It is hardly to be doubted that some historical statements, and, perhaps, also, a few laws, were added to the various parts of the Pentateuch at a date subsequent to the original composition of the books and that thus some of the real historical difficulties arose. The account of the death and burial of Moses, or, at least, some expressions contained in the account, seem from our standpoint, certainly to have been added after the events. This may have been done by the scribe who, under Moses' direction, had also written all the rest of the Pentateuch, or it may have been written by Joshua or some one else at a much later date. In any case, its incorporation into the books of Moses is in exact accord with Egyptian literary methods; epitaphs are often written in the first person even on Egyptian tombstones. This included, at times, even the account of the burial. It would not be at all surprising from the standpoint of Egyptian literature to find books, by an author not long dead, concluding with the account of

the death and burial of the author. The place and time and manner of Moses' death and his secret burial seem to have been known to Moses before hand. The phrase "to this day" (Deut. XXXIV:6) may easily have been the comment of a later copyist which finally crept into the text. Altogether, it is not at all impossible, nor altogether unlikely, that this account of the death and burial was written by Moses himself. But if it was written by some one later, that as we have just seen, would not militate against the Mosaic authorship of the Pentateuch.

A number of laws, said to have been added at a later date, or else cited to prove the whole code to be of later origin (*Oxford Hexateuch*) are pointed out. Especially is emphasis laid upon laws concerning "vineyards" and "olive orchards," laws of a settled agricultural or horticultural land. But there is nothing inconsistent in the presence of these laws in the Pentateuch in the wilderness. The manifest viewpoint of the Pentateuchal writer, if his statements are taken in their connection and at their face value, is that the laws of Exodus, Leviticus, and again in Deuteronomy, were given with the expectation of an immediate entrance into the promised land and life there. The forty years wandering were not on the horizon of the consciousness of any in Israel at Sinai, and not, as an expectation, on the plains of Moab. Thus the laws were given, in large part, whether at the first enunciation or in Deuteronomy, not for life in the wilderness, but for life in a fertile land of orchards and vineyards and of wine and oil, given for a settled state of civilization and not for a nomadic life, and, certainly, even in the records in the book of Numbers, no one can say that there was any time when the hope of the nation some day entering the promised land was wanting.

(4) Another feature of archaeological materials and conditions has a most important bearing upon this question of historical difficulties and should be carefully taken into account before one proceeds to the task of considering individual historical discrepancies. Many, if not most, Biblical archaeologists believe that the early portions of the Old Testament and, perhaps some of its later books, were originally written in cuneiform script, the sacred writing, "the finger of God," and in the Palestinian dialect of the Babylonian tongue, and continued in that script and tongue certainly for some time after that date; for how long is not certain. At a later date, some of these books, at least, were translated into Aramaic; still later, probably in the time of Ezra, when Hebrew was not only still the colloquial dialect of Palestine, but long before had become also a literary language, a final complete translation was made into the Hebrew language and written in the Hebrew script (Cf. Naville, *Archaeology of the Bible*).

Most interesting and important results come directly from this fact, if it is, as seems most probable, a fact, that the Pentateuch was originally written in Palestinian cuneiform, and later translated into Aramaic and then into Hebrew. For one thing, the writing of the original of the Pentateuch on tablets accounts most naturally for much of the repetitiousness which is claimed and really exists in the Pentateuchal writings. It was not easy to refer to a tablet book as we make reference to volume and page. Tablets were not made in editions; or, to express it in another way, each separate book was a separate edition. Thus a reference could be good only for one particular copy of a book. Naturally it was not customary to make references, but

instead, to repeat what had been said. And, as books were scarce and references practically impossible, it became the literary habit not even to copy exactly, but to use free quotation. This was the literary habit down to the time of our Lord who thus quoted the Septuagint. Then a new tablet in a book was in some sense a new book; it was far more physically separated from the preceding tablets of the book than is a chapter in a modern book from preceding chapters. Yet even chapters in modern books often begin with a resume, especially if the subject be historical. How much more necessary then, that a new tablet should begin with a brief repetition of what had gone before in order to get a starting point for the matter on the tablet. Thus, in the account of creation, the Creation tablet was complete in itself. The Fall tablet needed a brief resume of creation to give a proper starting point for the account of the Fall and the brief repetition is not slavish in quotation, but adapts itself rather to what is to follow. So the long flood account would occupy several tablets with corresponding "doublets," and other historical peculiarities growing out of the literary materials and habits of the time. Thus the existence of these repetitions, in fact, may be admitted freely without impairing the unity of authorship, and, moreover, they furnish explanations of some of the peculiarities of historical statement.

Again, another result of the original method of writing Scripture, harmonizing with some of the suggestions of historical critics and at the same time resolving some of the difficulties that trouble them, is that the translation into Aramaic and then into Hebrew at a later date introduced historical and sociological imagery of that time, not living vital imagery, but fossil im-

agery, embedded in the etymology of the words and forms, yet containing allusions to later things. These allusions having the appearance of anachronisms give rise to the claim of historical critics for a later date for the origin of the writings. A knowledge of the facts in the case thus resolves all these historical difficulties without the suppositions of late authorship and various authors.

Consider for a moment what would happen, if critical microscopes were fixed upon words of our present English translation of these same Scriptures. How many historical allusions involving ridiculous anachronisms would appear, if the etymology and natural history of the words should be scrutinized and magnified. The number of obsolete words rejected in the later English translations give some hint of the number of later words introduced in a translation of the Old Testament into Hebrew in the days of Ezra. Of course, many historical indications would be found in those words, when closely pressed. But why press them any more than words of the English translation of today? Words mean what they are intended to mean by those who use them and not every vagary of meaning that can be found in the fossilized strata of etymology.

(5) In any case, upon any view of the Pentateuch, there are some discrepancies, historical difficulties that give serious trouble. It is to be expected on *a priori* grounds that occidental readers would find such discrepancies in oriental literature. They are probably no more frequent or troublesome than present themselves to the oriental mind upon the perusal of the best models of occidental history. "East is east and west is west"; there are radically different view-points and

mental habits. So there are found historical difficulties, real difficulties, in the Old Testament. Such are the lists of kings in Edom (Gen. XXXVI:31-39) and the way in which the episode of Judah and Tamar (Gen. XXXVIII) fits into, or does not seem to fit into, the narrative. These historical difficulties look sometimes like absolute contradictions or absurdities. We may well be very slow to assert contradictions in the Bible or anywhere else in serious and credible literature. The human mind does not naturally admit contradictions; it abhors them and so does not set forth palpable ones. Apparent contradictions of ordinarily credible witnesses, as in evidence in courts of law or elsewhere, are usually only opposite segments of the same circle of truth; or, at least, segments not contiguous; something is omitted between them. Spectators standing in a circle about the night-blooming Cereus will give different accounts of the opening of its glories. These differences are not contradictions or discrepancies to which attaches any discredit; they only present truth from different standpoints on the circle. The same phenomena are to be expected from the statements of different historians standing at different points round about an event, or between historians and their readers which latter are in the position of one historian reviewing another. These differences and discrepancies are not contradictions. The historian and his readers have glimpses of the truth from different points on the circle.

(6) The best test of any explanation is its practical application; test this new solution of the Pentateuchal Problem thus. It is very easy to raise objections to the solution, if one does not actually try it for himself. On the other hand, it is only necessary for any one to

go over the law books in the Pentateuch and note carefully, and in detail, these KINDS and USES of laws and the divisions of the Pentateuchal material which they afford; to be entirely satisfied that here is the solution of the main Pentateuchal problems, the peculiarities of style and vocabulary in its different portions and the fragmentary presentation of its laws interspersed with narrative. If so, then the historical difficulties must all be considered from this standpoint, and not from the standpoint of the Documentary Theory.

II. It is now in order to consider how historical difficulties are to be met in detail from this standpoint.

(1) In the presentation of the Documentary Theory by Kautzsch (*Literature of the Old Test. ad loc.*) the blessing of Jacob in Genesis (Gen. XLIX) as well as the promises of Joshua in the book of Joshua (XXIII, XXIV) are found to present great historical difficulties immediately upon the acceptance of the view-point of the Documentary Theory, which regards these explicit statements not as prophecy, but as history; but they involve no historical difficulty, whatever, from the view-point of the sacred writer, who put these statements forth as predictive prophecy.

In the discourse of Balaam, Num. XXIV:17, it is said "I shall see him, but not now; I shall behold him, but not nigh: there shall come a star out of Jacob, and a scepter shall rise out of Israel, and shall smite the corners of Moab, and destroy all the children of Seth." It is objected that this presents historical difficulties (Kautzsch, *Lit. of O. T.* p. 16). But the claim of the Pentateuchal writer is that this is predictive prophecy, it is a part of the glorious hope which, according to the claims of the sacred writers themselves, runs all

the way through revelation from the Prot-evangelium to the consummation. Historical difficulty here only arises on the assumption of the Documentary Theory that this statement, as, indeed, nearly all similar statements that go before and that follow, are historical. It is the theory that creates the difficulty here, and, indeed, not here only, but that disrupts the whole line of Messianic hope, which the plain standpoint of the sacred writings puts before us, and constructs a very different hope that begins thousands of years later and is, at best, no more than an after-thought.

The blessings of Moses upon the tribes in Deuteronomy (XXXIII) are likewise treated as historical characterizations of the various tribes made long after the settlement in Palestine and flung back upon the screen of antiquity. Here again the passage presents no difficulty, if the claim of the Biblical writer for the prophetic character of what he writes may be allowed. Only when the predictive element is disallowed and the whole passage assumed to be historical, is there any difficulty. This is to say, the Theory has created the difficulty which it in turn resolves and then demands of every one who discusses the Pentateuchal Problem that he, also, shall resolve it. But the Pentateuchal Problem in itself, aside from the Documentary Theory and all the assumptions and claims that go with it, knows no such difficulty.

In endeavoring to distinguish the E Document, from the J Document in the address of Joshua (XXIV) Kautzsch says (*Lit. of O. T.* p. 44), "No doubt this is a prophetic historiography, but, on the whole, it no longer conveys the impression of a triumphant outlook on a glorious future, but rather that of a retrospect on bygone history, in which were many gloomy experi-

ences. Thus, very specially all through the concluding chapter, Josh. XXIV, this sentence resounds; Perhaps there is yet time to avert destruction by sincerely giving up idolatry and turning to Jehovah." There are certainly accounts of gloomy experiences, but this gloomy view is distinctly presented as really prophetic in Joshua XXIV, and even viewed as a retrospect was even more appropriate to Joshua's time than to the time of a writer of the eighth century.

Samuel's address on the "manner of the king" (I Sam. VIII:10-18) is another instance of the "historical difficulties" into which the Documentary Theory falls and which its advocates would shove off onto others also. But it is the same difficulty arising out of the assuming of an historical element, instead of a predictive element. Kautzsch says (page 45), "Sharply the standpoint of this source is distinguished from the later Samuel and Saul stories. The kingdom is no longer a blessing, but a curse to the people." The assumption of the Theory that everything that correctly, and in detail, reflects historical conditions must have been written after those conditions existed creates the difficulty here as in so many other places. The view-point of the sacred writer in this passage is that Samuel delivered this as a prediction *before the events*; admit this predictive element in prophecy and this historical difficulty does not appear at all.

It would be an almost endless task to consider all the historical difficulties raised by various critics and thrust forward for solution by every one who essays to discuss the Pentateuchal Problem. The patience of both writer and reader would be exhausted long before the list was exhausted. It will be enough now to consider various instances cited under the three kinds of

difficulties as they are presented in the *Oxford Hexateuch* (Vol. I).

"I. The different religious institutions of the Pentateuch, in ordinances and in sacrifice, betray the ideas of different and later, historical periods."

It is argued that the different Documents take different views of the persons who may offer sacrifice (Vol. I, p. 50). J and E, it is claimed, allow great freedom, while P allows only the priests, the sons of Aaron, to offer sacrifice. Therefore these different ideas and usages came from different times and so from different authors. But this difficulty only exists after the Pentateuch has been separated into the various documents on the assumption that *El*, *El-Shaddai* and *Jehovah* represent the religious conceptions of different authors. Then, with these separated portions of the Pentateuch before him, the critic finds in the J and E accounts many sacrifices offered by many persons among the patriarchs of whom they write, while in P, who gives account of later times, he finds only the priests, the sons of Aaron, offering sacrifice and does not find any mention of Abel and of Noah and of Abraham. And his poor soul is troubled; he concludes that these various representations describe different times. Of course they do; they patently are speaking of different times, but may not one writer at one time write of different events at different times in the history of revelation as well as in the history of the world? On the other hand, the part of the Pentateuch which has been set off by itself as the P Document is not speaking, is not professing to speak, of Patriarchal times and persons, but of the Aaronic priesthood and its duties. The reader with the whole undissected body of the Pentateuch before him finds no such "historical diffi-

culty"; there he finds these patriarchs offering sacrifice in their proper place and he finds priests, also, (Ex. XIX:19-24); and then, at the proper historical period, according to the whole narrative in the Pentateuch, he finds the Aaronic priesthood also introduced. Thus this "historical difficulty" is one created by the Documentary Theory, which theory is then put forward with great pride to solve it! Well, it is a poor process that cannot account for its own output.

Again it is averred that the different documents take different views of the place at which sacrifice was permitted. According to JE, it is said, there is no restriction in the place, "In all places where I record my name I will come unto thee, and I will bless thee" (Ex. XX:24). The *Oxford Hexateuch* (Vol. I, p. 50) remarks that "the rule cannot possibly be limited to the period preceding the construction of the desert sanctuary, for it is announced as of universal application." Here we have the fallacy of assuming universality where it does not exist, one of the most common of all formal fallacies. The universality here in this promise is distinctly not of time, but of place, "in every place," and even the universality of place has distinct limitation to the "places where I record my name." Moreover, not only is the universality not of time, but universality of God's law, or any other law in any case, is only in force as long as the law is in force. When the law is fulfilled or abrogated either by repeal or by being supplanted by another, its universality ceases absolutely as the law itself ceases.

The same distinguished editors of the *Oxford Hexateuch* (Vol. I, p. 51) say that "The Deuteronomic law was intended to refer to Jerusalem" and quote I Kings VIII:16 in proof of it: "Since the day that I brought

forth my people Israel out of Egypt, I chose no city out of all the tribes of Israel to build an house, that my name might be therein; but I chose David to be over my people Israel." The claim is that this statement in I Kings ignores altogether the story of the Tabernacle at Shiloh and the implication of the argument is that there was no Tabernacle at Shiloh nor in the wilderness. But the statement in I Kings VIII:16 does not ignore the Tabernacle at Shiloh. It makes no reference to the Tabernacle at Shiloh nor to any other tabernacle but to the choosing of a city to "build an house." No house was built at Shiloh; the Tabernacle was moved there, and, in the wilderness, the Tabernacle was a travelling sanctuary. Jerusalem was, without any exception or limitations, the first city of the tribes of Israel chosen "to build an house." This "historical difficulty" does not exist in the text of Scripture at all, but is merely a requirement of the Documentary Theory, which, in turn, the Theory meets; but there is no reason why any one should meet it in the name of the Pentateuchal Problem.

Concerning the Tabernacle, it is asserted (*Oxford Hexateuch*, Vol. I, p. 52), "that it is a singular circumstance that in the present text, the first mention of the place of this Tent, Ex. XXXIII:7, represents it as actually in use before it was made!" That would, indeed, be a ridiculous "historical difficulty"—if it existed. The serious setting forth of this "difficulty" in the *Oxford Hexateuch* is a much greater and a very real "difficulty." The merest tyro in Hebrew should know that the word for Tabernacle, or tent, in this passage, *Ohel*, is a common noun meaning a "tent," a "tent of skins or of cloth." It is one of the words taken up into the Egyptian of the Exodus period from the

Hebrew of the Israelite slaves among them. This word only became a proper noun commonly translated "Tabernacle" in the one instance of the tent constructed after the "pattern showed thee in the mount." Moses is said (Ex. XXXIII:7) to have taken the headquarters tent, put it outside the camp and called it the "tent of meeting," until the Tabernacle according to the "pattern showed in the mount" was constructed.

Following the analysis of the subject of "historical difficulties" in the *Oxford Hexateuch*, we find it asserted,

"II. That different religious ideas in the Pentateuch betray later historical periods in the history of Israel."

One of these "ideas" is the knowledge of the divine name Jehovah. It is said (*Oxford Hexateuch*, Vol. I, p. 56), "On the one hand the knowledge of Jehovah existed from primeval times, and sacrifice and prayer were continuous from generation to generation. On the other hand, the sacred name was first made known to Moses as the privilege and assurance of Israel's deliverance." This, of course, refers to Ex. VI:3. "And I appeared unto Abraham, unto Isaac and unto Jacob, by the name of God Almighty, but by my name Jehovah was I not known to them."

The assertion of "historical difficulty" here involves the very common fallacy of seeking for discord. When historical difficulties appear in evidence, the only correct method is to consider all possible interpretations to see if there is any way in which the statements may be true. Instead, this fallacy seizes upon one interpretation according to which the words cannot be true and presses that interpretation to the disastrous end. It is as though one came to the forks of the road, and in-

stead of searching all ways to find the right path, took the wrong path and followed it to the precipice and insisted upon jumping over. We must respectfully decline to jump over here. A very little enquiry in archaeology would reveal to the critic that "knowing a name" and "being given a name" had, in ancient times, in Bible lands, and, indeed, in modern times, where primitive conditions prevail, the same significance as in business or in social life among ourselves. To "give one's name" to another in business or in marriage is not to make known to that one a name never before heard of! but to give the *right to use the name*. Thus, giving the Name in the Old Testament has its counterpart in the New Testament in asking "in the Name."

Once more the Oxford Hexateuch says:

"III. That the language of different parts of the Pentateuch betrays different and later sources and authorship, in comparison with the language of different later authors, e.g. Ezekiel and Jeremiah."

Among the "historical difficulties" claimed in the book of Deuteronomy is one based upon the words "The place which Jehovah shall choose to place his name there." The question is asked, "Why should the dwelling which was already in their midst, be so persistently ignored?" This ironical question assumes, of course, that the Tabernacle did not exist at the time of the composition of Deuteronomy and so was not "in their midst."

This "historical difficulty" is, also, entirely created by the Documentary Theory whose advocates are so much concerned about its solution. That theory takes the book of Deuteronomy out of its own historical setting and places it at a much later date in the days of Josiah, when for some seven centuries the people had

been in possession of their inheritance in the Promised Land. In the historical setting given Deuteronomy in the Pentateuchal history, there is no difficulty at all. According to the Pentateuchal history the people were about to enter the Promised Land. The book of Deuteronomy, notwithstanding its reminiscences of the wilderness history for the purpose of exhortation, is a *forward looking book*. It is set forth as the statesman-like addresses of a great leader in anticipation of immediate entrance of the people into their inheritance and their continued dwelling there. Why then should he be speaking to the people about the Tabernacle among them with which every one was familiar? His theme was *the life before them and preparation for it*.

The duplicate laws concerning the cities of Refuge (Num. XXXV and Deut. XIX) also, come in for a place among the "historical difficulties." "Why should a leader, already divinely warned that he must die, issue two such laws in a few weeks interval?" (*Oxford Hexateuch*, Vol. I, p. 66). It would be hard to see why anybody should do such a thing, not to mention the difficulty of anybody doing anything *in* the "interval" between doing things! There is here a real difficulty, that is not created by the Documentary Theory. But it is a difficulty which only needs close attention to the circumstances of each giving of the law in order to fade entirely away.

The record of the law of the cities of Refuge in Numbers represents the original law as given by Moses in the oral teaching of the people and as recorded in the journalistic account of the wanderings and instruction in the wilderness. After (not *in*) a "few weeks interval," Moses, the statesman, made public addresses

to the people for the purpose of exhorting them concerning the new life upon which they were about to enter. Nothing is certainly more to be expected in these addresses than that this new law, but recently given them, should come in for full statement and elucidation. The Statute of Judgment in Deuteronomy is somewhat changed. There are additions and explanations, but, in every case, they are like the reservations recently proposed by the Senate of the United States to the Covenant of the League of Nations; they only state explicitly what is the intended meaning of the formal law in Numbers or what is to be expected in the application of it. They are just such changes as are to be expected in the public addresses of a lawgiver upon a new law but recently promulgated and needing to be popularized among the people. When we consider how radical was this change in the carrying out of the inveterate blood-feud, we cannot wonder that Moses should so fully improve this opportunity to promote the mitigation of the cruel customs of the people by dwelling emphatically upon the new law.

Thus it is not true, as implied in the question quoted from the *Oxford Hexateuch* above, that Moses promulgated two laws on the same subject with an interval of only a few weeks between them. Rather he promulgated one law, and a few weeks later delivered a public address on the same subject. The "difficulty" here needs only a proper understanding of the circumstances in order to cease to be difficult.

(2) A final, and the most important of all "historical, difficulties" is, also, a very real difficulty; the giving of the law of the unity of worship in the wilder-

ness period and worship at many centers and the sacrifice at many altars down until the close of Samuel's administration. Here again it is only necessary to understand the situation in order to understand the difficulty. But in order to understand the situation it is necessary for the historical imagination to visualize a more than four hundred year moving picture of national life and religious progress. That the idea of unity of worship and a central sanctuary was of the very essential substance of the religious life of the people is manifest from the readiness of the tribes west of the Jordan, immediately after the conquest and the settlement, to plunge the tribes into civil war to compel the tribes east of the Jordan to respect the central place of worship (Josh. XXII:11-20), and the equally vehement denial and protest of the tribes east of the Jordan that their intent was to remind themselves and their descendants forever of the unity of worship and the central place of worship, the very opposite of the intent of which they were suspected (Josh. XXII: 21-29). That the central place of worship was maintained at Shiloh down until the ark was taken away and stolen by the Philistines is equally manifest from I Samuel IV:4, and even after the ark was gone from Shiloh, though the presence of the Ark was deemed essential to completeness of worship.

But the solution of this difficulty does not lie only in these very patent facts, but rests upon more fundamental and remote facts and upon eternal principles. The Pentateuch is a record of revelation and of divinely directed leadership. It is ideal, what God would have the people be and do, and only to a very small extent sociological, a record of what the people were and did. Has any one supposed for a moment that *the people*

were like the book? In the record of the period of the Judges we learn what the people were like. The records of that period are records of the life and character of the people and are of a piece with the brief records of life in the Pentateuch. Here is a sharp contrast between precept and practice, between revelation and life. Here in the book of Judges is a sociological record in the broadest sense. It gives us a glimpse of the trying out of the theocracy. The contrast between the idealism of the books of the Law and the realism of this sociological record is disheartening. But is it surprising or strange? Does it present any real perplexity in the problems of national progress? Is it any more disheartening than the history of the conflict of the gospel of Jesus Christ with the heathenism of the Roman Empire or the contrast between the preaching of the missionaries in the Celestial Empire and the common life in the same communities of China today? Is it so much worse than the contrast between the Book in America and England in this XXth century and life in their great cities, when iniquity is uncovered? Is Christendom anywhere in the world, at any time in the world, to be compared with the ideal of the book? Then we may not wonder that the record of the life of the people after the conquest fell so far below the ideal set before them in the Pentateuch.

Only the Pentateuch in the wilderness can account for the emergence, within four hundred years, of the religious establishment and the imperial glory of the days of David and Solomon. If mere heathenism could develop into such high moral and religious ideas and life, why has it never done so elsewhere? Three millenniums of Jewish life since that time give no

ground for belief in such racial distinction morally and spiritually as that there should be such unaided development among the people of Israel. Yet there are some things which help us to understand the progress which prepared for the emergence. It is the way of God's law and of providence in the world. There is a long period of gestation and then a birth. Not a mere infinitesimal step forward in evolution, but an *event*. The birth of an idea, the birth of an individual, the birth of a nation, the birth of a religion is always an event. "A nation shall be born in a day." To whatever a nation is born, it is always born thus. A birth is a *breaking forth*.

So, holding up our two problems to the mirror of history, the problem of the abrupt descent to the Judges and the problem of the sudden emergence at the Monarchy, we see their reflection in a thousand places. It does not take away all the mystery of the problems to see them thus duplicated so many times. But it does take away any suspicion of unreality from the Bible narrative that contains them. Thus irregularities that may exist in the religious conduct of the people in the days of Samuel do not discredit the Pentateuchal narrative. (Cf. *The Deciding Voice of the Monuments in Biblical Criticism*, the Author, pp. 261-266).

CHAPTER IX

NINTH INVESTIGATION

THE COMPOSITION OF THE PENTATEUCH ACCORDING TO THE ARCHAEOLOGY OF THE BIBLE AND THE MONUMENTS

The relation of the heavenly bodies one to another is the problem of astronomy. It has been solved; solved by a solution made up entirely of known facts. The problem of world-building, how the heavenly bodies came to be so related to each other is a totally different problem, a problem of physics. Philosophers of all ages from the earliest times have pondered this problem, and physicists of this later scientific age have exhausted all the means of research to discover this secret of nature, but it still eludes all. This problem has never been solved. Many theories have been presented, some of them more, and some of them less probable; but none of these theories has been attested by indisputable facts, nor ever will be so proved scientifically, for no one has been permitted to look in upon world-building.

The relation of the parts of the Pentateuch one to another appears very clearly in this study of the KINDS and USES of laws in the Pentateuch, as clearly as the relation of the heavenly bodies one to another is shown in the facts of astronomy. Perceiving these KINDS and USES of laws, it is an easy matter

to observe the facts of their relationship. How they came to be so related is quite another matter; this is the question of the composition of the Pentateuch, not merely the question of time and place and author of the Pentateuch, but the problem of accounting for the form in which we find the Pentateuch. How did these various parts of the Pentateuch come to be related to each other as they are, the Judgments and Statutes being broken up into groups, and, together with the Commandments, completely intermingled, and at the same time interspersed throughout a narrative, which taken by itself, omitting the laws entirely, makes a continuous story?

I. The solution of this problem offered by the Documentary Theory is based upon the theory of various authorship for the different parts of the Pentateuch, at widely separated times, and in places far distant from each other. This solution is presented with great fullness by the advocates of the Documentary Theory in their writings, to which the reader is referred (Cf. *Welhausen, Composition des Hexateuchs; The Oxford Hexateuch; Simpson, Pentateuchal Criticism*). Only a brief statement for readers who have but little knowledge of the subject will be presented here.

(1) According to the Documentary Theory there existed among the Jews in the time of the exile in Babylon, or as some contend, at even a later date, and as still others think, at possibly only an earlier date, three religious documents. One of these, called now by critics the JE document, was made up of parts of two earlier documents. One of these earlier documents has been named the J document, because of the prevailing use, by its author, of the name Jehovah. The other of these earlier documents is called the E docu-

ment, because of the prevailing use, by its author, of the name *Elohim* for God. These two documents, in their combined form of JE, contained laws pertaining to civil and criminal matters, together with some narrative. Another document was called the P document, relating as it does entirely to ritual and ecclesiastical matters; it is claimed to have been the work of a priest or of priests and so has been called the P document. The laws of this document were thus entirely different in character from the laws contained in the JE document. The laws in the P document were, also, combined with narrative.

(2). These two documents, the JE document and the P document, were, according to the theory, taken in hand by a redactor or redactors who combined them into one continuous work in four successive parts now known as Genesis, Exodus, Leviticus and Numbers, having throughout a running narrative from beginning to end of the combined documents. It is not claimed that the redactor or redactors used all of the laws of the JE document or of the P document and especially not all of the narrative found in either of these documents. Indeed, it is generally admitted that they did not use all of either document. But it is claimed that the process of redaction, also introduced some narrative, especially connecting material. It, also, necessarily appears in this process of redaction (though it is seldom mentioned) that the redactors broke up both of the documents before them and the different and very distinct law-codes contained in them, that in JE concerning civil and criminal matters and that in P concerning ritual and ecclesiastical matters, together with a long description of the Tabernacle, and in-

served these fragments in larger or smaller pieces in the mingled and indiscriminate order in which they are now found in the books in the Pentateuch, narrative in Genesis, and narrative and laws in Exodus, Leviticus and Numbers. The fact that there resulted from this method numerous repetitions was, also, it is claimed disregarded by the redactors.

In addition to these two documents, JE and P thus made into one continuous series of books of the Pentateuch by the redactor or redactors, there is recognized a third document, D, so-called from the name Deuteronomy, or second statement of the Law, which so well befits this book. According to the Documentary Theory, D made use of materials found largely in JE and so mainly contains laws pertaining to things civil and criminal. Yet, strange to say, Deuteronomy contains many laws of a ritual character, especially those pertaining to the national life, as laws of clean and unclean things and of feasts, but omits, for the most part, the ritual laws of worship contained in Leviticus, and so said to belong to P. Advocates of the Documentary Theory admit, of course, the existence in D of these ritual laws pertaining to national life, but do not admit that they are based upon any knowledge of P which is claimed to be of much later composition. These ritual laws in D are said to have no other source than the practices among the people. This document D, the redactors are said to have appended to their composite work bodily, thus completing the composition of the Pentateuch in its present form.

That the present form of the law-books could have been brought about in this way is possible. Whether or not the Pentateuch was actually brought into its present form in this way is quite another question.

There are some exceedingly peculiar features in this solution of the problem of the composition of the Pentateuch. It requires us to believe that the redactor had before him two very distinct and distinctive books each containing a code of laws quite consistent and complete in itself. One of these codes contained ritual and ecclesiastical Statutes and the other civil and criminal Judgments. It is represented that the redactor having before him these codes separate and distinct, each with its own appropriate narrative setting, cut up both codes into fragments, some large, but many small, mixed these fragments indiscriminately together, made up one narrative from pieces of narrative taken from that accompanying each code, added some connecting phrases of his own, and tacked D on to the end, and so gave us the Pentateuch as we have it now. I confess I have never known any book to be made up in that way, except by a child with scissors and paste!

It is claimed by the advocates of this Documentary Theory that the Pentateuch was a growth. The final work of the redactor who put together these various documents into the present form of the Pentateuch as claimed in the Theory is, to say the least, a very peculiar example of growth. Such a work would not be a growth at all, but a dismemberment, a dislocation and a patchwork, *and struck off at one time*, the time of the redactor. Is that a growth? Such a construction of the Pentateuch may be physically possible, but is it morally probable? When any present-day author begins to construct law books in that fashion, we may expect his friends to employ a nurse to watch over him.

II. But to set aside one solution of this Pentateuchal problem does not produce another; this problem of the strange form of composition of the Pentateuch yet remains unsolved.

(1). What solution is possibly provided by the facts concerning the Pentateuch which have been brought to light by these investigations? It may be shown now by the observing of some facts.

(a). "The Lord spake unto Moses, saying, Speak unto the people, saying," is the well-known formula for the announcement of laws throughout these law-books. Sometimes the formula is varied by the mention of particular persons to whom Moses was to speak as "Speak unto the priests, the sons of Aaron" (Lev. XXI:1). Sometimes the second part of the formula is omitted altogether and it stands more simply thus: "The Lord spake unto Moses." Then follows the message exactly as when the whole formula is used. There certainly can be no doubt that these messages were to be passed on to the people, in fact, they have been passed on, as were those with the full formula, and are handed down to us with the others. But the frequent use of the full formula makes it clear that the method of divine communication in the wilderness, was "The Lord spake unto Moses" and "Moses spake unto the people"; that is to say, *Moses was first of all a speaking prophet*. Reference to this fact is found in Lev. VII:38, where mention is made that Moses "commanded" the people concerning burnt offerings.

(b). In Ex. XVII:14, it is said, "And the Lord said unto Moses, Write these things in a book." Eight times in the Pentateuch writing is distinctly mentioned or distinctly implied (Bible Teacher, *Biblical Gains*

from *Egyptian Exploration*, Nov. 1901). Sometimes it was commanded that "These things be written down." Were "these" the only things that were written down? Whether everything that was given Moses was written down or not, it is plain that he was not only first of all a speaking prophet, but was *a writing prophet, also*. Whether Moses actually did the writing with his own hand, or had the writing done by scribes, as was commonly the custom in Egypt, and as is frequently done by the secretaries of literary people to-day, matters not. In either case the prophecy was a written prophecy.

(c) When we examine the narrative minutely, another fact soon emerges. There occur frequently such expressions as "They journeyed from," "They tarried here," "On the morrow." With great frequency such notice of passing time, and the relation of the narrative to passing time, occurs in these books. Plainly the books are journalistic in form (Cf. Naville, *Schweich Lectures*, 1915, p. 44). This form is a fact. How came these books to be in this form? Were they written down from day to day, or from time to time, or were they cast into this form all at one time and that a later time? This latter view might properly be the subject of a theory to be sustained by argument, as, indeed, has already been attempted, but it *does not yet appear as a fact*. Let us enquire how the former view may be made to appear.

(d) Still another fact comes to light upon carefully considering the first two of the facts already presented; that "Moses spake unto the people saying," and that the Lord commanded to "write these things in a book." "These things" to be written were, as we

have seen, the things which were first spoken to Moses and then spoken by Moses to the people. After this Moses wrote the *same* things in a book. Thus Moses was *first* a speaking prophet and only *secondarily* a writing prophet. The fundamental conception of a prophet is that of a speaker (Hebrew *nabi*), one who spoke for God, then secondarily proclaimed the divine message, and only in the third place gave prediction. The same idea is still found in the Greek *prophemi* and is carried over into the English and turned into the well-known formula for the three-fold idea of prophecy, "to tell for, to tell forth, and to foretell." Thus this general character of prophecy is exactly exemplified in the prophetic work of Moses, he was first a speaking prophet who spoke forth, and then afterwards a writing prophet.

These four facts, that "Moses spake to the people," that he "wrote these things in a book," that the remains which have come to us are in journalistic form, and that Moses was first a speaking prophet and only secondarily a writing prophet, put clearly before us the literary method followed in the wilderness sojourn, and that is represented by the Pentateuch itself as it now stands.

Let us in imagination follow with the people on this strange journey, and observe from day to day what takes place. The cloud has lifted from the Tabernacle, the order is given to break camp, the Tabernacle is taken down to be carried by those appointed to the service, and shortly the whole company of those about the Tabernacle at the central place of encampment is on the march. Again the cloud stops, the order is given to pitch camp, the Tabernacle is set up, and the guards from each tribe take their places in order

around about the Tabernacle at this new camping ground. The narrator records these events, sometimes writing down the place of encampment and sometimes not. Then Moses speaks unto the people as God commands him for their instruction. Sometimes he speaks to them concerning their relations "one to another" and sometimes concerning the method of worship or of some new and higher idea of citizenship in the Theocracy. What Moses spake unto the people is recorded by the narrator. From time to time Moses again instructs the people, usually adding something to their laws, and, also, frequently dwelling again and again upon such laws as they had need continually to be reminded of, as the law against homicide, against stealing, the Sabbath laws, and the laws of decency, with, also, frequent reiteration of the laws of uncleanness and the more common acts of worship. All the while the narrator is still recording, from time to time as they are given, the things which "Moses spake unto the people."

But writing material was not abundant in the wilderness, whatever method of writing was employed. Not many copies of the record could be made. Besides, only a certain educated class could read, even if books were obtainable. The record of these things spoken by Moses thus could not be in the hands of all the people, and thus the necessity for reiteration of most necessary teachings would arise. Moreover the shepherds away with the flocks, who from time to time might come to the feasts, would make additional occasion for the reiteration of some things which "Moses spake unto the people."

Then from time to time remarkable things were

happening. There were rebellions, as that of Koran, Dathan and Abiram; disloyalty was displayed, as that of Aaron and Miriam; the people murmured, as at Kadesh Barnea and at Merebah; or some one appeared with a case for which no law was yet provided, as the case of Zelophehad's daughters. All these things the narrator put down in the record in journalistic order. Sometimes the event gave rise immediately to a special law, as in the case of Zelophehad's daughters, and this law with other kindred instructions, was also put down in the appropriate place in order in the record. Thus the literary method as plainly outlined for us in the facts of the Pentateuch would produce just such a peculiar record as we have, a narrative interspersed with brief groups of laws of various kinds with many repetitions of the kinds of laws most needing "precept upon precept," sometimes making evident the particular event out of which the teaching arose, but oftener not giving any indication of its immediate relevancy. What teacher ever is wholly dependent upon current events for the suggestion of each successive lesson, and what teacher is wholly free from such suggestion?

(2) So far facts. Perhaps, in strict adherence to logical methods; to advance now to the claim that this is a solution of the problem of the composition of the Pentateuch, that the books of the Law were actually produced in this way, would not be a fact, but a theory. So be it: it is a theory that rests immediately upon facts and is in exact accord with them, adds no suppositional element to them, and puts before us a simple, natural and reasonable account of the otherwise incomprehensible intermingling of laws interspersed with narrative which is found in these law books. This I believe to have been the method of the composition of

the three books, Exodus, Leviticus and Numbers. Genesis is not in the journalistic form. Deuteronomy displays a method which is practically the same. But the time covered by its composition is so short that it seems almost as if struck off at one time. Yet even in Deuteronomy the addresses succeed each other in regular order, doubtless as they were delivered. This view of the composition of the Pentateuch may not reflect so much credit upon the ingenuity required for its discovery, but I venture to think that it is more in accord with the facts of the Pentateuch itself.

CHAPTER X

TENTH INVESTIGATION

EXAMINATION INTO THE VALIDITY OF OBJECTIONS URGED AGAINST THIS SOLUTION OF THE PENTATEUCHAL PROBLEM

The principal purpose of the publication of this solution of the Pentateuchal Problem has been accomplished in the presentation of the constructive materials, in the examination of the corroborative evidence from archaeology, and in the consideration of historical difficulties which arise. It is on the consideration of these materials and their archaeological and historical bearings that the solution will meet approval or disapproval. But whether one approve or disapprove, objections are certain to arise, and, in some cases, to merit serious consideration.

I. It is not, indeed, incumbent upon a solution of the general problem of the Pentateuch that it, also, solve all the isolated separate problems in the Pentateuch or meet all the objections that may be urged against some subordinate points of the application of the general solution. The horizon of human knowledge is always jagged and the way in which the known fits into the unknown is always rather uncertain; so that it will always be possible, when a general solution is found, to assail, with petty objections, some outlying corner. Such objections may safely be allowed to pass

unnoticed. Serious objections, however, that are urged against the materials or the method of the solution must receive attention: such objections to this solution of the Pentateuchal Problem will be considered in this closing chapter.

Further consideration of the general principle of dealing with objections which has just been enunciated may well be given before the objections to this solution of the Pentateuchal Problem are taken up in detail. An illustration in point may be cited from objections already urged against the main thesis in this solution of the Pentateuchal Problem. A distinguished modern scholar and, indeed, personal friend of the author, Professor George A. Barton, in reviewing this solution of the Pentateuchal Problem as it appeared in the *Journal of the Society of Biblical Literature and Exegesis*, said that the solution was plausible, but that, as it did not meet the various difficulties of the Pentateuch in detail, did not go to the root of the matter and so was not a "solution of the Pentateuchal Problem." It is not necessary that a solution of the Pentateuchal Problem should meet every difficulty to be found in the Pentateuch. No proposed solution of the Pentateuchal Problem ever has furnished in itself satisfactory explanations of all the discrepancies and peculiarities and historical difficulties to be found in the Pentateuchal books, or met all the objections urged against it. Certainly the Documentary Theory does not do so. The theory of four or more documents does not of itself explain the discrepancies in numbers, nor the strange spelling of proper names which bear so many indications of the influence of a syllabic form of writing, nor the pres-

ence of so many Egyptian words in the Pentateuch, nor the absence from it of any explicit doctrine of the Resurrection, nor of the presence of Egyptian names in the early parts of the genealogical lists and their disappearance at later times, nor the peculiar and, at times, incomprehensible chronology of the Pentateuch, especially when considered in connection with the times of the Judges. All these difficulties have to be met by explanations aside from the elements of the Documentary Theory. It is nothing against the Documentary Theory that it is so. It is only required of it, or of any other theory or solution of any problem, that it deal effectively with the problem for which it is proposed.

So with this proposed solution of the Pentateuchal Problem, it is only required of it that it deal effectively with the main problem for which it is proposed. But it is, also, important to see, if the solution of the main problem does actually solve, also, minor difficulties.

Any consideration of objections against a solution of the Pentateuchal Problem because of difficulties that do not seem to be met by it must take into the account, also, that an oriental literary production is not to be "explained" and "amended" until it is made to read like an occidental book. It was never intended to be in such literary form. The one test by which the skilled archaeologist instantly rejects as a forgery a so-called "find" is that it reads exactly like a modern occidental piece of literature. The criticism that gives a thoroughly modern form to disputed portions of the Pentateuch or Isaiah is, to the archaeologist, farthest from being correct. When will criticism ever be practical enough in present day affairs to ponder Kipling's already quoted line "East is east and west is

west." The oriental writer ceased his labors at exactly the point at which the occidental writer begins his final preparation to put a book in order for the publisher; paragraphing, removing all repetitions, clearing away of all discrepancies, punctuation and finally pagination. All such work was omitted by the ancient oriental writer. It is not required of any one now to supply these things nor to alter all or any of the peculiarities that result from the lack of them.

Furthermore, repetitions, and discrepancies in these repetitions, are characteristic of literature of the time and place from which the ancient Pentateuchal documents came. Writing, as we have already seen, (p. 243-44) and need now distinctly recall, was either upon tablets of clay, or upon rolls of papyrus and later of parchment. Verbal quotation or cross-references are almost impossible under such circumstances. Books were not made in editions. Whether made in clay tablets or on rolls of papyrus, each such book was a separate individual edition. Reference to any particular place to find any statement would not hold good for any other copy of the same book. Both tablets and rolls were of irregular size and devoid of uniform lines and spaces. To go away to find the particular tablet or to turn to the place in a roll, perhaps twenty, or even fifty, feet distant from the place where one is reading, is not easy. From these conditions two results came; when a writer wished to refer to a statement already made, it was easier to repeat it than to cite it by any kind of intelligible reference. Then, as the writer did not turn to the place to quote the statement, naturally he quoted it from memory and so gave oftentimes a repetition of the thought rather than an exact reproduction

of the words. An explanation was, also, sometimes given of his own words and, as there were no quotation marks used, his explanation was not separated from his quotation, but became a part of it.

Such was the method of quoting in the Old Testament and even in the days of our Lord and the evangelists in the New Testament. Why should not then Moses, still the Law-giver, in his public addresses in Deuteronomy make such explanations and additions of explanatory phrases as the circumstances made necessary. Thus it is to be expected that the lack of the modern final preparation for publication would lead to fragmentariness and repetitiousness. Altogether an oriental book is certain to have in it many things puzzling to western people and some for which no explanation can be given.

II. Having thus seen the limitations to the right of objections to demand a hearing in this particular case, objections that have an inherent right to be heard may now be considered.

(1) The most natural and fundamental objection that arises is that this solution of the Pentateuchal Problem, based upon the KINDS and USES of laws, rests entirely upon the legal portions of the Law books. Such an objection is plausible. Indeed, it obtrudes itself, yet it is exceedingly specious; one easily deceives himself by it. It would be more correct to say that the criteria of this solution of the Pentateuchal Problem are found in the legal portions of the Law books; the application of these criteria, however, extends to the narrative portions as well; for it is the narrative portions that make the legal portions intelligible. The laws alone, would, for the most part, mean nothing for the history of religion in the world without the

setting which the historical narrative gives. Imagine, if you can, the existence of these laws without a word concerning where they were given, by whom given, to whom given, or under what circumstances given. They would constitute the great legal and historical mystery concerning which scholars would wrangle for centuries about their proper assignment in the history of nations. It is the narrative portions of the Law books that save us from such a calamity. As the historical material is thus necessary to the intelligibility of the Law portions of these books, so almost each narrative portion, by reason of the historical setting which it is suited to give to some portion of the laws, suggests naturally, sometimes with absolute certainty, its own assignment among the divisions indicated by the technical legal terms. Only in a few instances is there real difficulty in determining to which group of laws a piece of intervening narrative belongs.

(2) Another objection at once appears at this point; that the assignment of such large portions of these law books as are occupied by the narrative portions will present so many, and such great, difficulties that the reliability of the divisions will be impaired.

It is only necessary to go over the assignment of the narrative portions in detail to discern that this objection is only apparent; it is not in any instance real. There is no question of the assignment of narrative in Leviticus, and none in Deuteronomy. There is no problem at all in Exodus, after the twentieth chapter. The first nineteen chapters are necessarily an introduction to all the "Commandments," the "Judgments" and the "Statutes" which follow. It is so recognized in the assignment of this narrative portion

(Cf. Diagram, p. 212). It might be an introduction to either the "Judgments" or the "Statutes," in fact, is an introduction to both, and so, in the comparison with the Documentary Theory (Cf. Diagram, p. 212), this portion is classified as "Divided agreement." There remains only the book of Numbers in which this problem of the assignment of narrative portions seems at first to present real difficulties. When these narrative portions are examined in detail, the apparent difficulty disappears little by little until there is but a modicum left. It is interesting to note, also, that the little that remains is quite identical with the portions that afford most of the difficulty and uncertainty encountered by the Documentary Theory in this same book of Numbers. It is, in either case, the difficulty of historical vagueness occasioned by the journalistic form of the narrative and the isolated character of the various episodes narrated.

(3) Another query may be raised at this point: As the divisions of the Pentateuch indicated by the KINDS and USES of laws are the same as the divisions marked out by the Documentary Theory, it follows that there is the same distinctive use of the divine names in these KINDS and USES of laws as in the different documents of the Documentary Theory. How account for such discriminative use of the divine names in the KINDS and USES of laws?

Elohim, the general name for God which is found almost exclusively in the "judgments," the civil and criminal laws, was the appropriate divine name for God in the legal world of Semitic people then, as God is in our legal world of today. It is seldom that any other name for the divine being is used in our courts and in our laws today. On the other hand Jehovah,

the covenant name of God, was the appropriate name in the ecclesiastical writings especially the whole Levitical system, as the word Saviour, Christ, the Lord, and Jesus, and very many other gracious names of God are so frequently used, at the present time, for the like purpose in religious courts and gatherings. A visit to a religious meeting and to a court of law today among Christian people will reveal exactly the same discriminating use of the divine names as is to be seen in the various divisions of the Pentateuchal laws and associated narrative. But there were occasions then, as there are occasions now, when such discrimination in the use of divine names was not necessary, and, accordingly, textual criticism has shown that the divine names were used interchangeably and the Literary criticism admits that this is occasionally true. Indeed, all advocates of the Documentary Theory admit some exceptions to the general rule in the use of the divine names in the various supposed documents.

(4) Something must be said, also, concerning the omission of Genesis from the diagram of comparison, though it is later considered in the investigations. That Genesis should be omitted from the first part of the investigation is natural enough, since the investigation began concerning the "materials of the Law." But it will be asked, How can the problem of the Pentateuch be said to be solved by any explanation that does not make any mention of Genesis?

It may be noted that the original analysis of the Pentateuch according to the Documentary Theory arose first in Genesis from the use of the divine names in that book, though strange to say, advocates of the Documentary Theory, have, of late, evinced great ner-

vousness at the mention of this primal criterion of partition. A perfectly natural and simple explanation of the discriminating use of these divine names in the law books, which has just been considered in this discussion, prepares the way, also, for the solution of the problem of the use of the divine names in Genesis. The two names being in existence and having such markedly distinctive use, the discriminating use of these names in Genesis offers no real difficulty. Why should not *Elohim*, God, appear in the creation Chapter, and Jehovah, the name of the covenant God, appear in the chapter of the Fall and the announcement of the Prot-evangelium? And why should not these names sometimes be used in Genesis, as elsewhere, without discrimination between them? That they can, in almost every instance, be so explained, and reasonably, in Genesis, has been shown many times (Cf. Green, *Unity of Genesis*). That in some cases either divine name would suffice, and so variations occur, is certain.

When once the Documentary analysis has been extended to the law-books and a large number of peculiar words and phrases noted in the various divisions, these, as criteria, were applied to Genesis as well, and so the book was divided not only into J and E sections on the criterion of the divine names, but portions were assigned to P, also. Now "one of the chief of these criteria of the P Document" (to quote Kautzsch, *Literature of the Old Testament*, p. 109), "is the style, with its unfailing breadth, its fondness for details." This very exactly corresponds to the descriptive style of the "statutes" which Kautzsch (p. 109) calls "far the weightiest portion of the Priest Writing." Thus Genesis, which so often calls for descriptive writing,

naturally reveals much of the distinctive style of that Pentateuchal author, whom the Documentary Theory calls P and limits to a portion of the Pentateuch, but which is, as we have seen, in reality, the real author of the Pentateuch. The portions which do not call for a descriptive style are naturally less descriptive in style, and those portions the Documentary Theory assigns to J and E. How delightfully simple. But how much more natural that the style should be, as it is, adapted to the matter in hand, and so descriptive in descriptive matter and less so elsewhere. And how naturally simple and simply natural *this* is!

(5) To all the facts developed by these investigations and enforced by these arguments it may perhaps be objected: These facts are but collateral facts of the Documentary Theory, additional "marks," a part of the criteria of the various authors: J and E were legal writers and P was an ecclesiastical writer.

This objection, is, on the face of it, exceedingly plausible. Perhaps, to many who hold the Documentary Theory, the mere statement of this objection will come as an instant relief from all the spectral doubts about the safety of the Theory which the presentation of the facts developed by these investigations has aroused. Such will be little disposed to give the subject further consideration. It is useless to write anything for those who do only such superficial thinking, and who do not look a second time and very sharply, into the face of every view that presents itself for consideration. For those who wish to know unerringly the truth, there are several things to be said.

The answer to this objection is found in a careful consideration of the facts already presented.

(a) To those who so devoutly admire the Documentary Theory it may not seem very reverent toward their beloved view to ask why any one, as the final redactor, who had in his possession the JE Document presenting a consistent compendium of laws civil and criminal, and the P Document equally consistent as ritual law, should have yielded to such a crazy impulse as that to break them into fragments, large and small, mingle the fragments and distribute them throughout various books with the narrative portions of both documents inserted between these various fragments of law; but I cannot resist the temptation to ask this question. Instead of such a ridiculous result from considering these facts concerning laws as but collateral facts of the Documentary Theory, the fragmentary groups of laws in the books of Exodus, Leviticus and Numbers can be reasonably accounted for only on the plain representation which they put forth, that *those groups of laws grew out of progressing events or were suggested by them.*

(b) The complete practical consideration of this objection is a careful study of all the facts developed by the preceding investigations. Those facts, when fully apprehended and appreciated, so satisfactorily account for the peculiarities of style and vocabulary in the Pentateuch, and are so helpful in the consideration of historical difficulties, (aside, of course, from those historical difficulties which only arise on the supposition that the Documentary Theory is correct), that they will not permit any one to admit any *theoretical explanation*. Why theorize for an explanation when the known facts furnish a completely satisfactory one? Common-sense does not admit suppositions that are not needed. The law of economy is an inexorable

law in logic, especially that empiric logic which is a dominant element in every sane mind. Had these facts concerning the KINDS and USES of laws been carefully noted before the supposition of unknown authors and unmentioned documents was put forth, probably no one would ever have had the temerity to advance so gratuitous a supposition; certainly common-sense, so inimical to suppositions that are not needed, would never have permitted many to be attracted by such a theory, plausible as that theory has seemed to many to be at a time when the facts about KINDS and USES of laws had not been brought to their attention.

(c) The first two answers to this objection are quite sufficient, but there is another that renders them quite unnecessary. In reality, answer to this objection is like the answer of the attorney who was called upon to account for the absence of some one for whose presence in court he was responsible. After citing a number of reasons, any one of which might have excused the man, the attorney concluded by saying, "Last of all, your Honor, my client is not here because he is dead!" Several answers may be given to this objection, each one weighty enough in itself, but there remains one which renders all the others unnecessary.

This distinction in technical terms runs all through the Pentateuch from the first giving of laws to the end. It is fully observed in Deuteronomy. This is perfectly in order and quite to be expected, if this distinction and the consequent divisions of the Pentateuch were really produced by the KINDS and USES of laws according to the facts which have been pointed out in these investigations, but perfectly inexplicable on the supposition that various authors produced the Penta-

teuch according to the Documentary Theory, with only the collateral facts that J and E were legal writers and P a ritualistic and ecclesiastical writer. How would the Deuteronomist, on that theory, have observed this distinction in technical terms? Did some priest or prophet of the time of Josiah or a little before that time, copy this distinction from JE already in existence? But JE existing alone would not show such distinction at all between "Judgments" and "Statutes." There can be no distinction without comparison and there was no comparison, for JE, according to the divisions made by the Documentary Theory has only "Judgments." The P Document with its "Statutes," according to the Documentary Theory, had not yet been written, for according to that Theory, it was post-exilic. So this witness for the technical law terms as collateral facts of the Documentary Theory, needed in court to testify for the Deuteronomist on behalf of that Theory, if he was not dead, at least *had not yet begun to live.*

No, the facts noted in these investigations, are not merely collateral facts of the Documentary Theory: facts they certainly are, facts that must be taken into the account by any adequate theory concerning the Pentateuch, but they are not "collateral" with the other portions of the Documentary Theory, not by the at least two whole centuries that elapsed between the time of Josiah and the work of the final redactor, who, according to the Documentary Theory used scissors and paste to make the present books of the Pentateuch out of JE and P, with D pasted on to the end.

It is the Pentateuch that now is that must be accounted for. The final redactor is the real man of

mystery of the Documentary Theory. On the other hand, consideration of the KINDS and USES of laws makes the Pentateuch, as it now is, not only explicable, but perfectly simple and natural, a journalistic record of laws forty years in the making and of history forty years in the writing.

CONCLUSION

These varied investigations and the striking comparison with the Documentary Theory which they provide tend to establish the trustworthiness of the Pentateuchal records at their face value. They are not to be broken up into fragments, as from different authors at widely separated dates, and so made to present to us an entirely reconstructed national and ecclesiastical history of Israel, but are to be read as they stand, and their peculiarities of style and vocabulary and arrangement to be accounted for by the KINDS and USES of laws presented and the journalistic manner of composition. Thus the history of Israel presented to us in the Pentateuch, as we now have it in the Bible, is restored to the place of trustworthiness; the narrative is to be received at its face value. To the extent to which this has been established by the preceding investigations, to the same extent does the time of the wilderness wanderings appear to be the time of the Composition of the Pentateuch, and Moses, either personally or by giving directions to others, its responsible author.

INDEX

A

- ARCHAEOLOGICAL EVIDENCE CONCERNING PENTATEUCHAL TIMES,
216 ff
Concerning peculiar words, phrases and narratives, 216f
Concerning literary characteristics, 220f
Concerning historical events and allusions, 224f
Concerning Tabernacle and furniture and vestments, 229f
Concerning eschatology of Pentateuch, 231f
Concerning Mosaic sacrifices, 235f

B

- BARTON, PROFESSOR GEORGE A., CRITICISM OF THIS SOLUTION OF
PENTATEUCHAL PROBLEM, 271

C

- CITIES OF REFUGE, 255
COMMANDMENTS, MITSVAH, MITSOT, 26
Moral significance, 26
General use common, 26
Less important part than other technical terms, 26
The Decalogue, 27
Corresponding to Magna Charta, Constitution of United
States, 27
References determining meaning, 27
Technical use less marked, 29-34
COMPOSITION OF PENTATEUCH, 260ff
According to Documentary Theory, 261f
According to New Solution, 264f
Time of, 278

COVENANT

- The Ten Commandments, 7
The Whole body of laws, 8

D

DOCUMENTARY THEORY

- Outlined, 137
Diagram of, 141
Comparison with, 140 and 142

E

EXCEPTIONS

- Do not affect the argument, 81f
Some apparent, 82f
None real, 83

ESCHATOLOGY OF PENTATEUCH, 231f

F

- FEASTS, 50
FINN, DR., 20

H

HARMONIOUSNESS OF STYLE AND DICTION IN DIVISIONS OF PENTATEUCH, 145ff

Four things to be considered in, 148-49

Elements of, 149

Sources of, 154ff

Law of interpretation of, 160f

Law of consistency, 161

Law of variation, 162-64

Law of equilibrium, 165-66

HISTORICAL DIFFICULTIES, 239ff

Of Pentateuchal Problem, not of Documentary Theory, to be considered, 239-40

Considered in detail, 247ff

Three special kinds of, 249ff

Different ideas of different historical periods, 250; the persons who might sacrifice, 250; the places of sacrifice, 251; Deuteronomic law referring to Jerusalem, 251-52; Tabernacle mentioned before made, 252-53

Different religious ideas betray later periods, 253

Language betrays different sources, 254

Duplicate laws concerning Cities of Refuge, 255

Law of Unity of Worship, 256ff

HOLINESS CODE, 45ff

J

JUDGEMENTS A TECHNICAL TERM, 19

Pentateuchal definition of, 17

"Judgings" etymologically, 13

Historical meaning, 16

Book of, 11

Typical group of, 14-15 and 17

Law of Civil Holidays, Feasts, 15; Sabbath, 15; Sabbatic

Year, 15

Not novelties, 15

Common law, 16

Mala in se, 17-18

System of courts of, 18

Distinguished from Statutes, 21, 23-25

Moral in character, 24

K

KAUTZSCH, *Lit. of Old Test.*, 11-12, 281-82

KINDS OF LAWS, 85

Lists of, 86f

KHAMMURABI, LAWS OF, SYSTEMATIC, 16

L

LAW BOOKS, JOURNALISTIC CHARACTER OF, 114

LAWS OF KHAMMURABI, 16

LANGDON, PROFESSOR STEPHEN HERBERT, 105

LEGAL TERMS, 1

- General terms, 2; Law, meaning of, 2; any kind of law, 3;
torah, 2; *ddeath*, 2; *khoq*, 4
- Words, *dabhar*, 4; *imrah*, 5
- Covenant, *barith* 5; made sanction of laws binding, 7
- Testimony, *edah*, of deep ethical import, 8; denotes Ten
 Commandments, 9
- All legal terms heretofore regarded as general, 2
- Technical legal terms, 12
 - Source of lists, 50-51; of Exodus, 36ff; Leviticus, 43ff;
 Numbers, 53ff; Deuteronomy, 61ff; exceptions, 81ff
- Classification of with associated narrative in the order
 of text, 35ff
- Lists of, without title, 86
 - Throughout Old Testament, 191ff
 - Value of evidence of, 212
 - Complete classified catalogue of lists of, 87ff

LITERARY FORMS

- Lists gathered together, 136-37
- Real, but sometimes minimized, 119
- Confounded with style, 122f
- Summary, 122f
- Mnemonic, 94
 - In Code of Khammurabi, 94
 - Poetic, 94ff
 - Examples of, 94ff
 - Name Mnemonic justified, 103
- Descriptive literary form, 104
 - Recognized by modern criticism, 107
 - Examples of, 108ff
 - Statutes, 112
- Hortatory form, 114f
 - In Deuteronomy, 117
 - Examples, 117-18

LITERARY THEORIES HISTORY OF, IS GRAVEYARD HISTORY, XVII

LITERATURE REPETITIONS AND DISCREPANCIES OF, CHARACTER-
 ISTIC OF PENTATEUCHAL TIMES, 273

LYON, PROFESSOR D. G., 222

M

MASPERO, PROFESSOR GASTON, 107

METHOD OF CRITICISM

- Archaeological, XX
- An investigation of materials, 1

MISHPAT, MISHPATIM, 13ff

MULLER, PROFESSOR W. MAX, Egyptological Researches, 16

N

NAME, KNOWING A, 253

NARRATIVE ASSOCIATED WITH LAWS, 35

A literary question, 35

Introductory Narrative of Exodus, 36

NAVILLE, PROFESSOR EDOUARD, 106

O

OBJECTIONS

Not encumbent to meet all, 271

Serious must be met, 271

That this solution rests upon laws only, 274

That assignment of large portions of narrative presents great difficulties, 275

How account for discriminating use of divine names? 279-80

Omission of Genesis from original investigation, 280-81

That facts of this solution but collateral facts of Documentary Theory, 282ff

P

PECULIARITIES IN USE OF TECHNICAL TERMS, 77-85

Technical terms in account of Passover, 78-79

Appeal of Zelophehad's daughters, 79-81

PENTATEUCH

Many aspects of the Problem of, XV

Acceptance at face value a logical necessity in any original investigation, XIX

Literary characteristics of, 223f

Composition of, 259ff

Solution by Documentary Theory, 261ff

A new solution, 264ff

PENTATEUCHAL TIMES, ARCHAEOLOGICAL EVIDENCE CONCERNING, 216ff

PROBLEM OF THE PENTATEUCH

First interrogative of, XVI

Solution of, *a posteriori*, XVI

A *posteriori* solution of, XVIII

Solution by facts, XVIII

R

RESULTS OF INVESTIGATIONS

A surprise, XX

Presented in order of development, XXI

Summary of, 142-44 and 283

RITUAL, ANCIENT SUMERIAN, 105

S

SABBATH, LAW OF, A JUDGMENT, 15

- SABBATIC YEAR, LAW OF, A JUDGMENT, 15
- SACRIFICES, MOSAIC, 234ff
- SCOVILLE, SAMUEL, JR., ESQ., XIII
- SCRIBES, ANCIENT USE OF, 158f
- STATUTES, *khog*, *khugqah*, *khugqim*, 20
 A "decree" a "direction given" 20
 Meaning of, 22
 Mala prohibita, 20
 Distinguished from judgments, 21 and 23-25
 Moral character of, 24
 Typical list of, 21-22
 Like Prayerbook rubrics, 27
 Direction for detection of leprosy, 45
 Laws of consanguinity, 46
 Holiness Code, 45ff
 Feasts, 50
- STATUTES OF JUDGMENT
 Zelophehad's daughters, 57f
 Cities of Refuge, 59-60
 Without title, 87
 Complete list of, 92
- STYLE, 120ff
 Difference between Form and Style, 121ff
 Personal property, 121
 Influence of subject on, 124f
 Sources of, 126-28
 Marks of, 169ff
 "Genuine characteristics" according to *Oxford Hexateuch*, 170f
 Important marks not "genuine characteristics," 178ff
- SUMERIAN RITUAL, 105
- T
- TABERNACLE AND FURNITURE AND DIRECTIONS FOR, 38-43
 Ceremonial law in, 43-44
 Egyptian pattern of Tabernacle, 229ff
 Said to be mentioned before made, 252
 With furniture, 229-30
- V
- VOCABULARY, 120ff AND 148ff
- W
- WIENER, HAROLD M., ESQ., 93

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